

# **Broadmoor SeaView PC No. 18**

## **Letter to Joel Fick Analysis of PC No. 18 and Exhibits**

**January 14, 2011**

**Submitted by: James and Patricia White**



**James and Patricia White  
2003 Yacht Mischief  
Newport Beach, California 92660  
(949) 759-1434**

January 14, 2011

Mr. Joel Fick  
Acting Community Development Director  
City of Newport Beach  
3300 Newport Boulevard.  
Newport Beach, California 92658

Dear Mr. Fick,

Thank you for meeting with us last Wednesday. The purpose of this letter is to provide you with the documents that support the conclusion that the "approved plot plans" controlled the building envelope for Broadmoor, the original builder of the development, and for any future modifications by the homeowners of Sea View.

**Approved Plot Plans and PC No. 18**

Each of the three plot plans has check numbers and the notation, "appr" with an approval date written in hand on them (see Exhibits 1, 2 and 3). These approved plot plans are referred to in this letter as the "APPs" and show the setbacks and footprint for each house with dimensions to: (1) the street side property line, (2) the blank wall side of the house property line (referred to as the zero side) and (3) in almost all cases, the opposite side property lines. When the window side of two houses face each other and both are oriented toward a common property line and they are both more that 10 feet away from that line, then a dimension is shown for only the house that is closer to the line because when one house is more than 10 feet away from the line, the 10 foot separation rule is satisfied. The opposite side property line occurs eleven times throughout the development and is the line between two houses that face each other. All the houses in Sea View were originally designed with a blank side with no windows and one door opening for fire egress from an atrium and the side opposite the blank side with many windows and usually the front door.

The Broadmoor Pacific View PC (Planned Community) District Amendment No. 18 adopted by the City Council on July 28, 1975 and referred to in this letter as "PC No. 18" (see Exhibit 4) states:

1. In Section IV.D. Setbacks from Streets, that "Prior to the issuance of building permits for each phase of the project, a final setback map shall be submitted to the Community Development Director indicating the setbacks to all building areas proposed in the development".

2. In Section IV.E. Setbacks from Property Lines that "All setbacks listed under this subsection refer to all property lines not affected by Subsection D above. Dwellings may orient towards the opposite property line in order to take advantage of view conditions".

3. In Section IV.E. Rear or Front Yard that "The street and view side setbacks shall be established on the approved site plan". These statements: "a final setback map shall be submitted.....indicating the setbacks to ALL building areas" and "setbacks listed under this subsection refer to ALL property lines" and "setbacks shall be established on THE approved site plan" indicate that there must exist approved plot plans which delineate setbacks from all property lines. The documents which are exhibits to this letter prove conclusively that the plot plans submitted for each of the three tracts which comprise Sea View are the approved plot plans, APPs, which establish the setbacks and building footprint for each house in Sea View.

PC No. 18 was incorporated into The Broadmoor Sea View Covenants, Conditions and Restrictions, the "CC&Rs", which were recorded in the Official Records of Orange County, California on September 14, 1976, in Article VII of the CC&Rs as a document entitled Planned Community District Regulations Broadmoor Pacific View, prepared by Raub, Bein, Frost and Associates on October 23, 1975, and revised and Approved on January 12, 1976 (see Exhibit 5). I have reviewed both PC No. 18 and the Planned Community District Regulations and find them to be substantially the exact same word for word document except for the title. Therefore, the Sea View Homeowners Association is bound by PC No. 18 because it is included in the CC&Rs and since PC No. 18 establishes the setbacks and shows the footprint for each house, then that footprint cannot be modified without approval of both the HOA architectural review committee and the City through a specific process. Thus the open space between and around many of the houses that was created in the original development design is preserved. PC No. 18 was modified by Modification 1055 which was filed with the City on July 6, 1976 (see Exhibit 13) which clearly states that houses were oriented to take advantage of views and the distance between some houses was minimized to create more open space at the end of streets and cul-de-sacs. Our goal has not been to stop remodel activity in Sea View but rather to develop a clear path for a homeowner to follow when designing the remodel of a house that includes building outside the original footprint.

#### **List of Exhibits**

1. Broadmoor Sea View Plot Plan for Tract 9260, marked as Plan Check 456-76 and marked approved 8-31-76. I am providing sheets 1 through 6 of 48. The remaining sheets are building construction drawings.
2. Broadmoor Sea View Plot Plan for Tract 9047, marked as Plan Check 1132 and 1133 and marked approved 11-19-76. I am providing sheets 1 through 4 of 55.
3. Broadmoor Sea View Plot Plan for Tract 9261, marked as Plan Check 1177 and 1178, stamped with a date of Jan 11, 1977 and marked approved 2-3-77. I am providing sheets 1 through 4 of 50.
4. PC No. 18 adopted by the City Council on July 28, 1975.
5. Planned Community District Regs., Broadmoor Pacific View, prepared October 23, 1975 and revised and approved January 12, 1976.
6. Emails between Jamie and Pat White and Jaime Murillo dated September 8<sup>th</sup> and 9<sup>th</sup>, 2010.
7. Map which appears to be a grading map showing street and view side setbacks, no date shown.
8. Letter to Patrick Alford from James and Patricia White dated October 26, 2010.
9. Letter to James White from Patrick Alford dated November 2, 2010.

10. Setback Map for Tract 9047, 167 lots received by the City, October 28, 1975.
11. Map of street addresses for Sea View showing 167 lots but in a different configuration than is shown on Setback Map of 10/28/75.
12. Hand written letter from Jamie White to Patrick Alford, no date, but probably after November 2, 2010.
13. Modification Application Number 1055 dated 7-6-1976.
14. Modification Committee Findings and Action Number 1055 dated July 20, 1976.
15. Broadmoor Seaview Plot Plan for Tract 9047, sheets 1 through 4 for Tract 9260, sheets 3 and 4 for Tract 9261, two sheets not numbered, all part of Modification 1055 marked pages 1 through 9 and stamped submitted July 6, 1976 (although the day of the month is difficult to see).
16. Letter from James Campbell to James White dated November 9, 2010.
17. Tract No. 9260 marked as accepted and filed June 17, 1976.
18. Tract No. 9047 marked as accepted and filed July 22, 1976.
19. Tract No. 9261 marked as accepted and filed July 22, 1976. Note that the survey for all 3 tracts was completed in February of 1976.
20. List of Affected Homeowners.

### **Background**

Sometime last year, our neighbor, Mr. Gregg McConaughy, presented us with a preliminary rough drawing of what he intended to build as a bedroom and bathroom addition. The City Planning Department had told his architect that there was no setback requirement from our common property line. I thought that could not possibly be correct, so I visited the planning department desk on the first floor of your building and over a few days time got several different answers as to what setback is required from our common property line. Finally, I was told that the planning department had had a meeting to discuss the matter and concluded that the common property line setback was zero. I did not believe that was true, so I contacted Jaime Murillo by email (see Exhibit 6) which started my search for the meaning and intent of PC No. 18. Jaime concluded in his email to me that, "PC No. 18 is extremely flexible and doesn't have a minimum side yard setback requirement, with the exception that buildings must maintain a minimum 10-foot separation".

Still not satisfied my wife and I met with Jaime at which time he provided us with what looked like a preliminary grading map which showed only street and view side setbacks (see Exhibit 7). This map is a very preliminary grading plan, as there are significant differences between how the project was graded and the contour lines on the plan, and may have been used to propose some preliminary ideas about street and view side setbacks. The setbacks from the street shown on the map are in many cases different than what is shown on the APPs, which do correctly show what was actually built. Jaime explained that side yard setbacks were not addressed in PC No. 18. My wife and then went to lunch, discussed our meeting with Jaime and concluded that what we were being told just did not add up. We have each been in the real estate development business for over twenty years. We then went back to the city offices, found Jaime, and told him we were not satisfied. Jaime then asked Patrick and a fellow from the building department to join an impromptu meeting to discuss this issue.

During this meeting one interesting point that came up was that they did not know when and how the door in the blank wall of each and every house got there. They just did not seem to know when or how that was approved. This is a significant point because it is this door, an opening in the blank side of the house, that caused the house to be a minimum of 4 feet away from the property line instead of the zero setback that is referred to in PC No. 18 Section IV.E., paragraph "Side Yard". The houses are built 10 feet apart as is required under the "Side Yard" paragraph, except those that are the subject of the Modification 1055. Therefore, the zero setback allowance that is specified in the "Side Yard" paragraph was not used due to the opening in the blank wall side of the house and could not be used on the opposite property line because that other side of the house has many windows and in most cases the front door. As Sea View was actually built there is no circumstance that would allow for a zero setback to any property line. The meeting ended with our being told that the City could really not be of any help to us other than to say that the buildings had to be 10 feet apart and beyond that it was up to the Sea View HOA to set the development standards.

Still not satisfied with what I was being told, I wrote a letter to Patrick Alford (see Exhibit 8). In that letter dated October 26, 2010, I conclude that PC No. 18 clearly states that the setbacks from ALL property lines are established by dimensions shown on the approved plot plans, the APPs. In the letter I requested an official written opinion of the setbacks from all property lines as are indicated in the PC No. 18. On November 2, 2010, Patrick responded to my letter (see Exhibit 9). I had asked him to provide me with a site or plot plan which showed the setbacks to all property lines as was required in Section IV.D. of PC No. 18. Patrick, in his letter to me concluded that a setback map (see Exhibit 10) was submitted to and approved by the then-Community Development Director as provided for in Section IV.D. of the PC No. 18 text. He noted that only front and rear setbacks were identified. This map, entitled Setback Map, Tract 9047, was received by the City on October 28, 1975 and is another copy of the same map that Jaime gave me.

As I mentioned above, this map is inconsistent with what is built in Sea View. For example, on Yacht Vindex, eleven lots are shown, but only ten lots exist on that street and on Yacht Daphne four lots are shown, but five lots exist on that street. The setbacks of 18 feet from the street, shown on the map, have not been followed in about 20 cases. Further, on lot 146 this map shows a 5' typical setback from toe of slope, while PC No. 18 requires 10'. Finally, the lot lines as shown in many cases are very different from those shown on the APPs. The map does indicate top of slope or view side setbacks to be 3 feet typical as is specified in the PC No. 18 text. Another map (see Exhibit 11) indicating the Sea View street addresses shows many lots in a quite different configuration to that of the "Setback Map" provided to us by Patrick. Patrick's letter in his opening paragraph recites the issue of whether setbacks were established by an approved site plan but he does not address that issue in his letter. At the end of his brief letter he concludes that Section IV.E. "street and view side setbacks" refer to front and rear setbacks and not side setbacks. It is true that the paragraph under Section IV.E. "Rear or Front Yard" defines the setbacks from top of slope or the view side at 3 feet and the toe of slope or rear yard at 10 feet and it also says that these will be established on the approved site plan. It does not say that side yard setbacks will not be established on that same approved site plan. In fact the side yard setbacks are clearly shown on what I have referred to above as the APPs. This is such an

incomplete and incorrect conclusion that I felt the planning department had not conducted a thorough review of my question nor was the department taking my request seriously.

#### **Modification No. 1055**

Soon after my meeting with Patrick, while looking at the microfiche copies of various maps for Sea View, I discovered that there were some houses in Sea View that were closer together than 10 feet apart. I wrote a hand written note to Patrick and asked that he look into this issue (see Exhibit 12). Within a day or so, I think, he called me on the telephone and said that he had found a Modification Application No. 1055 dated 7-6-76 and approved 7-20-76 (see Exhibits 13 and 14). Patrick told me that attached to Modification 1055 is a plot plan consisting of nine pages that appears to be dated July 6, 1976, which is the same date that Modification App. 1055 was filed with the City (see Exhibit 15). These plot plan pages do not include any dimensions nor do they include the entire development since Yacht Vindex, Yacht Maria and Yacht Camilla are omitted. This makes sense because those streets did not have lots that were part of Modification 1055. The Modification 1055 form lists the lots that are involved in Modification 1055. All of these lots are at the end of their respective streets and the houses are blank side to blank side, except for lots 1 and 2 of Tract 9047. The house on lot 2 has been oriented to have its blank side toward lot 1 instead of toward lot 3 in order to take advantage of both an ocean and valley view.

Section IV.E. of PC No. 18 "Setbacks from Property Lines" states: "Dwellings may orient towards the opposite property line in order to take advantage of view conditions". In the "Present Use" block of the Modification 1055 form are the hand written words "5' side yards" indicating that side yard setbacks had been set on some plan. In the "Request" block of the form are written the words: "That one lot receive an easement for (undetermined word or letters) use from the other and the side yard setbacks be reduced to 4' each or total 8' ". That is interesting because I had been told that side yard setbacks had not been addressed by PC No. 18 nor established on any document and now we see conclusively that side yard setbacks had been determined, as evidenced by the statements on the Modification 1055 document, and were established on the APPs. Modification 1055 reduced from 5' to 4' the side yard setbacks for the lots specified on Modification 1055. In fact upon careful analysis of all the APPs I have found that except for the specific lot pairs that were the subject of Modification 1055, where the separation was reduced to 8 feet total, all of the other houses are separated by a minimum of 10 feet. An exception to this is the lot pair 22-23 of Tract 9260, which is not part of Modification 1055, is only 8 feet apart. I suspect they were meant to be listed on the Modification 1055 but just did not get listed. It seems that the plan checker did not pick up the discrepancy.

Interestingly, most of the houses that are not part of the Modification 1055 have a setback from the property line of 4 feet on the blank wall side of the house. This is a change from what was indicated in the "Present Use" block of Modification 1055. Only lot 2 and the pairs of lots 11-12, 24-25 and 34-35 of Tract 9260 have a setback of 5 feet from the blank wall side of the house to the property line. Lot 12 of Tract 9261 appears to have a 6 foot setback from the blank wall side of the house to the property line.

These discrepancies point to the fact that the only place to see a complete picture of the setbacks that were approved prior to the issuance of building permits is on the APPs. Again, this is the only complete and therefore controlling set of documents, therefore, they must be the "approved plot plans" mentioned in PC No.18. that were to establish all the property line setbacks. The

concept of "approved plot plans" was in the PC No. 18 language and now we see it again in Modification 1055 in the document that indicates that Modification 1055 was approved on the condition: "1. That development shall be in substantial conformance with the approved plot plans". It is reasonable to assume that when the word "development" is used here it means the entire development and not just the lots that were the subject of Modification 1055. There should be no question that the Sea View development was to proceed in substantial conformance with PC No. 18 as modified by Modification 1055 and all incorporated into The Broadmoor Sea View CC&Rs. Therefore, the Sea View Homeowners Association is bound by PC No. 18, as modified by Modification 1055, because it is part of the CC&Rs.

In the body of the approved Modification 1055 form, its approval is granted on the condition: "That development shall be in substantial conformance with the approved plot plans" and for the following reasons: 1. The proposed development is in general conformance with the Planned Community Development Standards for "Broadmoor Pacific View." 2. The reduced separation between structures will occur only at the ends of streets or cul-de-sacs where the end dwelling units will be reversed so as to eliminate blank walls along the exterior side yards of the subject lots. 3. The proposed development is a better site solution than originally planned since more open space will be provided at the ends of streets and cul-de-sacs. Because of the language in Modification 1055, the body of evidence that Sea View was to be a planned community developed under standards contained in PC No. 18 as modified by Modification 1055, which standards are to be clearly defined in a set of approved plot plans is strong and complete.

### **Meeting with Jim Campbell**

I was therefore completely surprised when Patrick, in view of what he had just provided to me, still denied that there were approved plot plans that controlled the development of Sea View initially and in the future. Therefore, I asked to meet with Jim Campbell to either set up a planning commission hearing or hopefully have Jim understand the evidence and provide me with a written official ruling from the City that the approved plot plans showed the setbacks to all property lines that those setbacks may not be modified without approval from the City and the Sea View architectural committee. The meeting with Jim Campbell was set for November 4, 2010.

My wife and I met with Jim. He listened to my presentation during a one hour meeting with Patrick in attendance. During the meeting Jim seemed to realize that it is difficult to conclude that a zero side yard setback is allowed in Sea View. He said that he thought it would be easy to defend a decision on his part that a four foot side yard setback could be imposed. Patrick did not seem so inclined but the meeting ended with our believing that Jim had understood our presentation. I was quite surprised when I received his letter affirming the planning department's opinion that a zero side yard setback is allowed in Sea View (see Exhibit 16). He cited the "Side Yard" paragraph of Section IV.E. "A zero side yard setback between the structure and the lot line shall be permitted on one side provided there are no openings on the zero side yard wall and that a total of ten (10) feet shall be provided between structures". He went on to say: "a zero foot side setback is permitted as long as a minimum of ten (10) feet is maintained between structures. Beyond that, the PC text is silent in regards to side setbacks". Jim's logic fails to include the phrase: "provided there are no openings on the zero side yard wall". Further, he fails to recognize that Modification 1055 states in the "Present Use" block of

the form, the hand written note, "5' side yards". This setback was required since there is an opening (door) in each and every house.

The document granting approval for Modification 1055 conditions that the development be in substantial conformance with the approved plot plans. Further, as I have recited above the reasons for the approval are that Modification 1055 improves the development since it creates among other considerations more open space for the house at the end of a streets and cul-de-sacs. Jim interprets that since the zero provision was not used on the blank wall side of the house (it could not be used there because there was an opening) that it could be used on the opposite property line as it was referred to in the first paragraph of Section IV.E. That interpretation ignores the fact that the side of the house that is opposite the blank wall always contains multiple windows and often the front door and, therefore, would not be eligible for a zero setback.

### **Conclusion and Other Affected Lots**

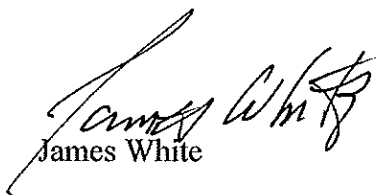
In the beginning of this letter I said that this all began because my neighbor wants to add a bedroom and bathroom to his house. The Sea View Architectural Review Committee, "ARC" approved his plans after meeting with the planning department and being told that a zero side yard setback was allowed as long as the structures were 10' apart. Subsequently, we appealed that decision to the HOA board of directors and they overturned the approval because as was stated in the HOA attorney's letter to McConaughy: "the ARC was not aware of PC No. 18." Further, the Board determined that in view of the 10' foot separation of structures provision in PC No.18 that in any event a 5 foot side yard setback should be the compromise for the common property line between our two houses.

McConaughy has recently resubmitted plans to the ARC with the 5 foot setback. We are an original owner of our home and have believed for the 30 plus years we have lived here that the open space between our homes was to be permanent and that our view of the valley could not be blocked by landscaping or structures. The view issue we will leave for the judgment of the ARC and HOA Board but the issue of whether the APP controls the footprint of the original houses and that a change to that footprint is a change to PC No. 18 is really the subject and essence of this letter. I have included in this letter copies of the final Tract maps 9047, 9260 and 9261 (see Exhibits 17, 18 and 19). All the documents I have presented in this letter conclusively show that there are approved plot plans and that Modification 1055 conditions that the development must be in substantial compliance with those approved plot plans. Therefore, it should be concluded that for a Sea View homeowner to add new construction to his home outside the original footprint, approval from the Sea View ARC must be granted and then an application and approval to modify PC No.18 must be secured from the City. This would be a most reasonable conclusion given the overwhelming evidence and analysis that we have provided in letter. In cases where there is no opposition from neighboring lots, the City approvals could be granted administratively. However, in the event of opposition, the homeowner proposing the modification of PC No. 18 would have the opportunity to request a planning commission hearing. If there is a dispute, then a public hearing affords the parties the opportunity to present their argument to the full planning commission, an unbiased body accustomed to making such decisions. This creates a professional and experienced forum at little cost to all concerned.

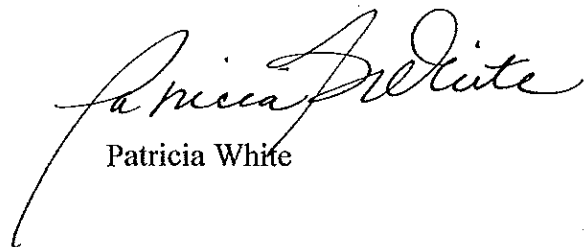
There are 20 other property owners in Sea View who are affected by this common property line situation. I have attached a list of their names and addresses (see Exhibit 20). I have visually inspected each lot and each of their homes seems to be in its original side yard building footprint. This would then be the first time in Sea View that this situation has come up. I have contacted each affected property owner and most of them want to be informed and included in discussions because this outcome will set a precedent for future development of their lots and their neighbor's lot.

We thank you for your courtesy and interest in conducting a thorough review of this issue. Also, we want to acknowledge the time and courtesy that Jaime, Patrick and Jim have shown us throughout this process.

Sincerely,



James White



Patricia White

Cc: Dana Smith, Assistant City Manager (without Exhibits)  
Councilman Keith Curry (without Exhibits)

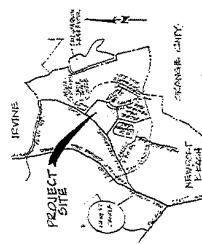
## EXHIBIT 1



# SEA VIEW

PHASE I

broadmoor homes, inc. 17802 irvine blvd. tustin, california 92680 tel. 714-544-4230



VICINITY MAP

## DRAWING INDEX

Sheet No.	Sheet Title
1	Site Plan
2	Foundation and Floor Plans
3	Foundation and Floor Plans
4	Foundation and Floor Plans
5	Foundation and Floor Plans
6	Foundation and Floor Plans
7	Foundation and Floor Plans
8	Foundation and Floor Plans
9	Foundation and Floor Plans
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100	Foundation and Floor Plans

SEA VIEW

BOULEVARD

( ୩୨ )

(2)

+

91-957

A hand-drawn sketch of a building with a gabled roof and a chimney. The word 'OMIT' is written vertically on the left side. The word 'TYPE E' is written vertically on the right side. The sketch is drawn with simple lines and includes some handwritten notes like 'Sawmill and office' and '14 ft. x 10 ft.'.

[illegible][illegible]

**DR**  
**Reub. Belsky & Associates**  
PROFESSIONAL INTERIOR DESIGNER & PLANNER  
2700 15th St. N.E. • 20011 WASHINGTON, D.C. 20002  
(202) 556-1100

**1 F.1**

**SHEET**

PC456-76  
3 OF 48

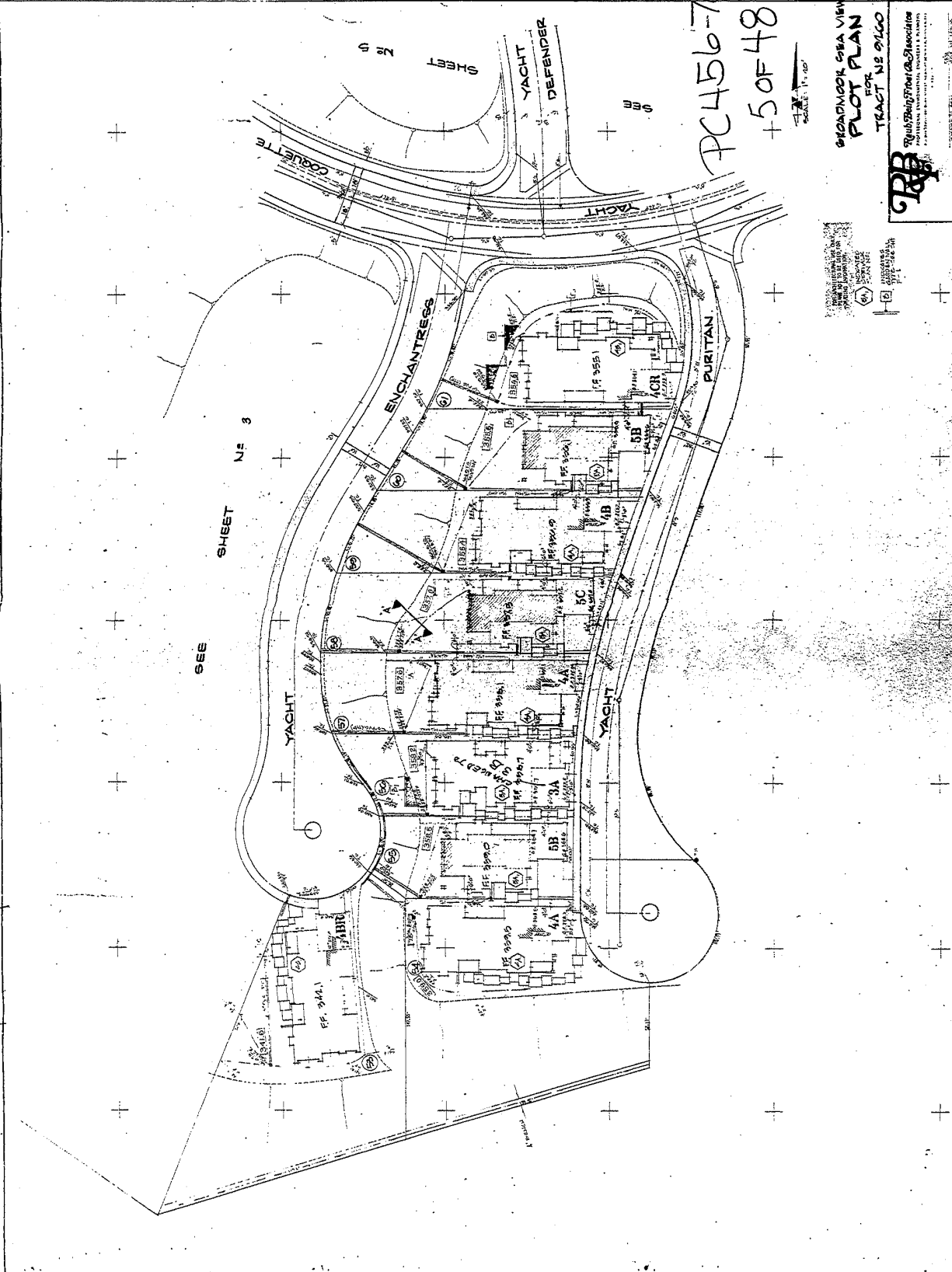
BROADMOOR SEA VIEW  
PLOT PLAN  
FOR  
TRACT NE 9160



REGISTERED PROFESSIONAL ARCHITECT & LANDSCAPE ARCHITECT  
NO. 10000  
STATE OF CALIFORNIA







SEE SHEET N# 3

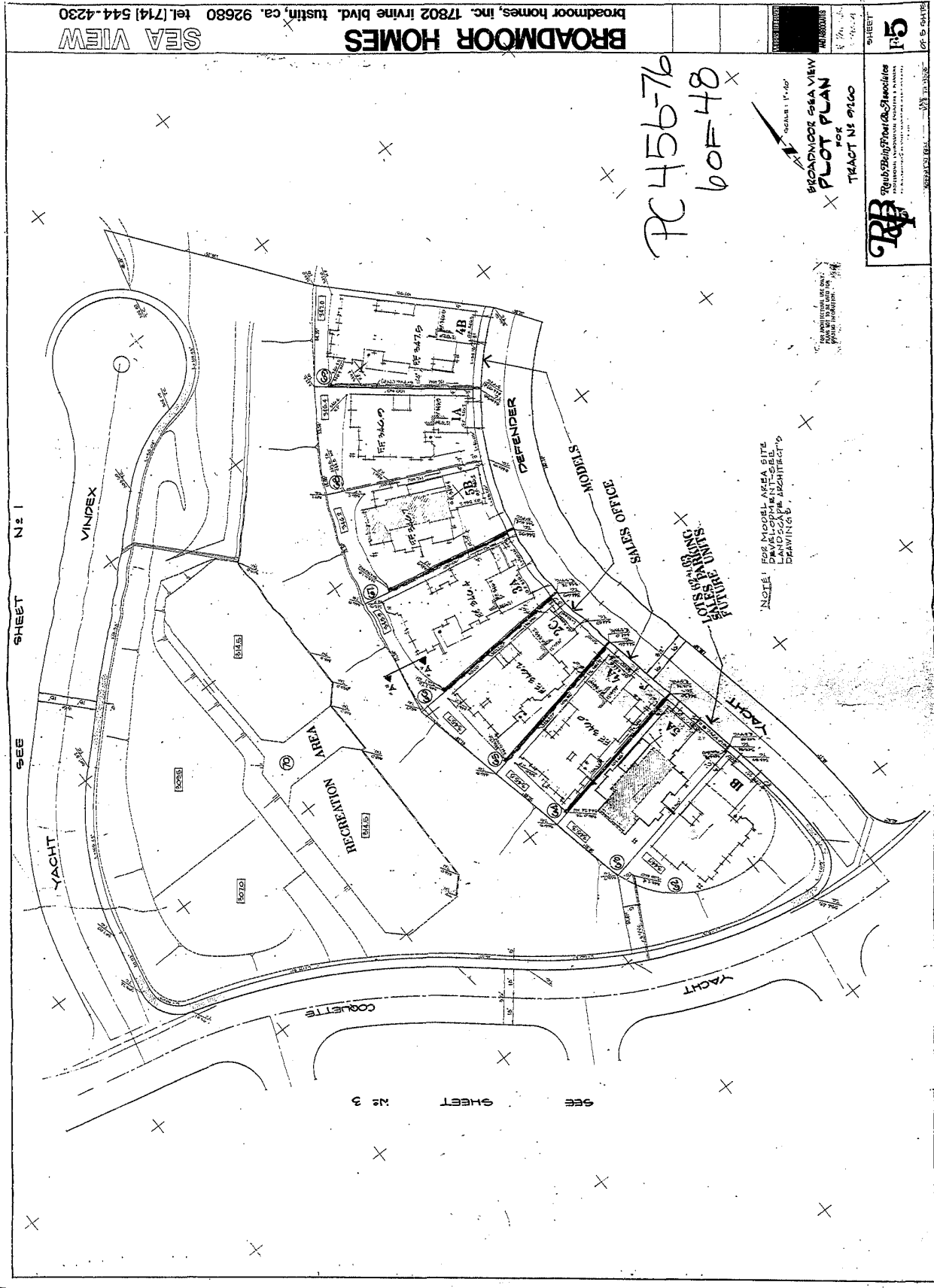
PC456-76  
 +5 OF 48

BROADMOOR SEA VIEW  
 PLOT PLAN  
 FOR  
 TRACT NO. 9100

BBB  
 BROADMOOR HOMES, INC.  
 17802 IRVINE BLVD.  
 TUSTIN, CALIF. 92680

F4

OF 5 SHEETS



SEE SHEET N: 1

SEE SHEET 2: 3

**BROADMOOR HOMES**  
 Broadmoor homes, inc. 17802 Irvine Blvd. Tustin, ca. 92680 tel. (714) 544-4230  
**SEA VIEW**

PC 456-76  
 604-48

**BB** *Reid, Berg, Pines & Associates*

**NOTES:**  
 1. FOR MODEL AREA SITE  
 2. FOR COMPLETION OF  
 3. LANDSCAPE ARCHITECT'S  
 4. DRAWINGS

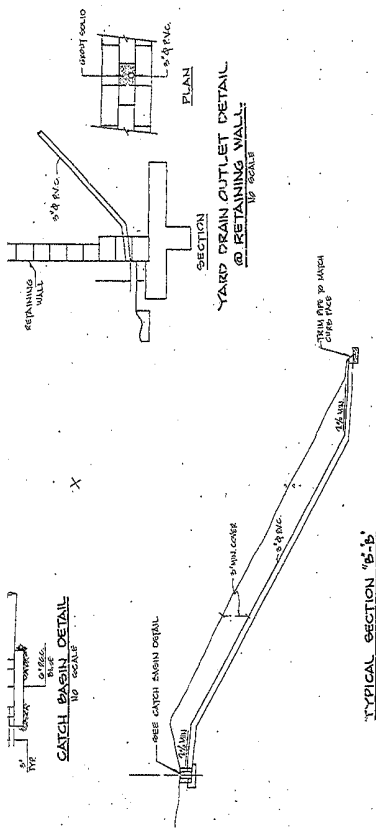
**BROADMOOR SEA VIEW  
 PLOT PLAN  
 FOR  
 TRACT N: 9100**

**SCALE: 1" = 40'**

**SHEET**  
 1 OF 5 SHEETS

## EXHIBIT 2





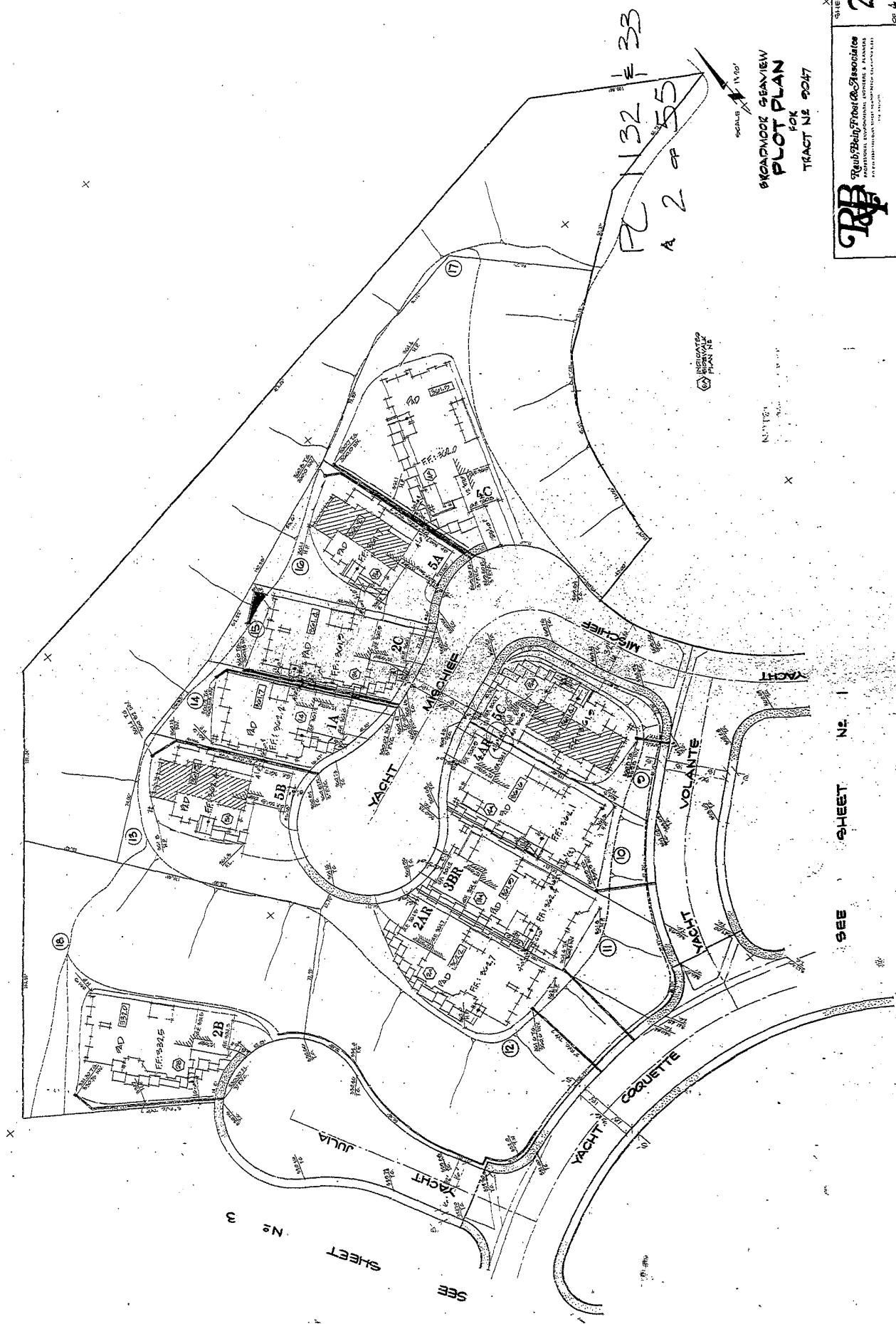
SHEET No 2

PC 1132-76  
PC 1133-76  
APPZ 11-19-76  
1 of 55

BYCAMMOOR SEAVIEW  
PLOT PLAN  
FOR  
TRACT No 5047

**BB**  
Bryan Beatty & Associates  
ARCHITECTS  
1000 10th Avenue, Suite 100  
San Francisco, CA 94103  
415.774.1100

SHEET  
121  
OF 4 SHEETS



PC 1132 E 33  
A 2 of 55

BROADMOOR SEAVIEW  
PLOT PLAN  
FOR  
TRACT NO. 9047

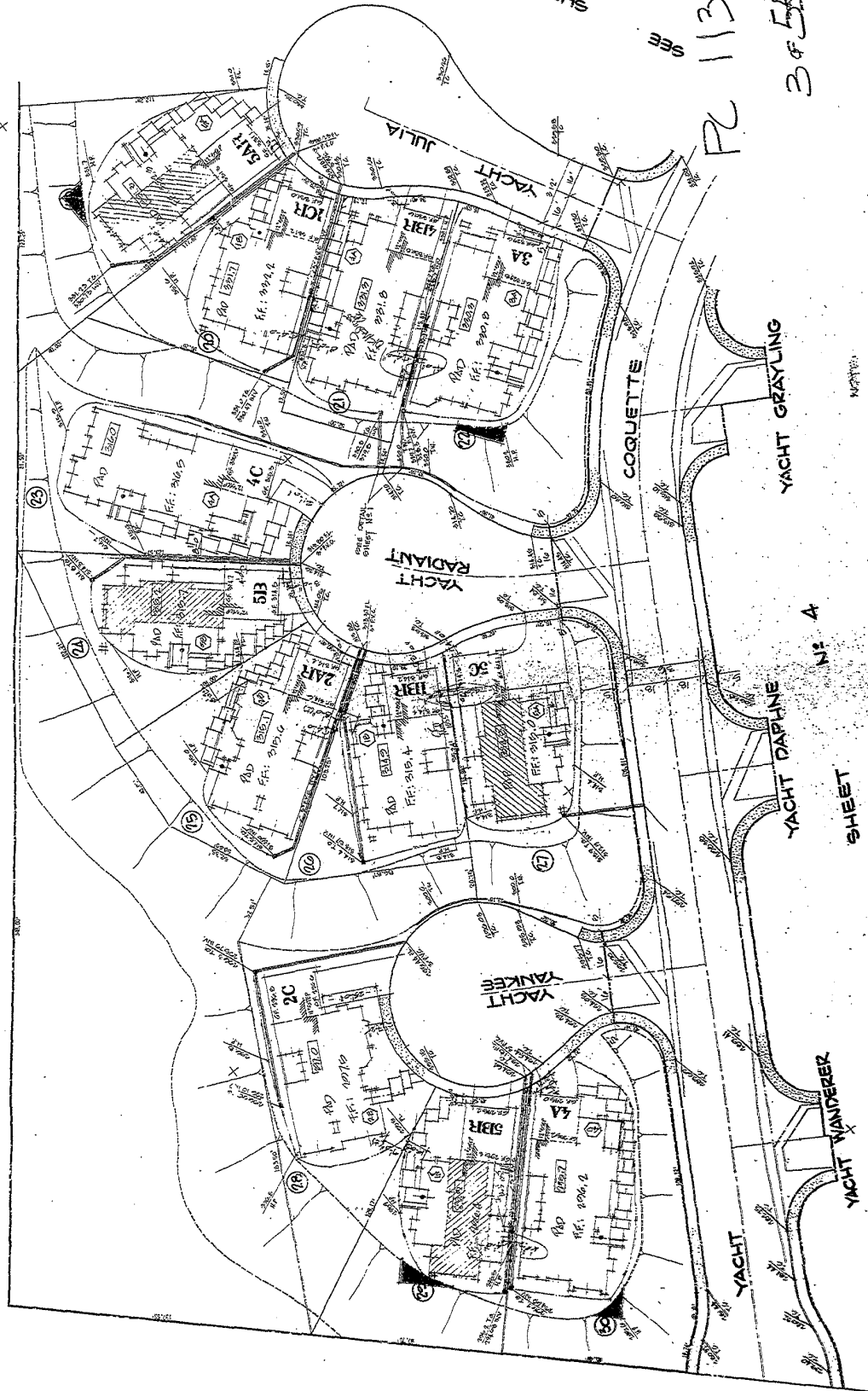
**RR**  
Regis Realty Trust & Association  
10000 Regis Road, Suite 100  
Regis, California 94581  
Tel: (925) 938-1000  
Fax: (925) 938-1001  
www.regisrealty.com

SHEET  
22  
OF 4 SHEETS

SEE SHEET NO. 1

SEE

SHEET NO. 3



SHEET  
No 2

SEE

PL 1132133-76

3 of 55

ROADWORK SEAVIEW  
PLOT PLAN  
FOR  
TRACT NE 9047

NOTES:  
1. The lot area, map, and other information shown on this plan are for informational purposes only and do not constitute a warranty of any kind.

No 4

SHEET

SEE

**TRB**  
TRUBB & BROS. INC. (a subsidiary)  
PROFESSIONAL ENGINEERS & PLANNERS  
P.O. BOX 1200, 1001 10TH STREET, NORTH PLAINFIELD, NEW JERSEY 07064

SHEET  
3  
OF 4



## EXHIBIT 3



PHASE I & II

# PACIFIC VIEW

# BROADMOOR HOMES

revisions date  
2/1/50

APPR. 2-3-77

1 of 50

JAN 11 1977

7530 - kb  
date  
drawn  
checked

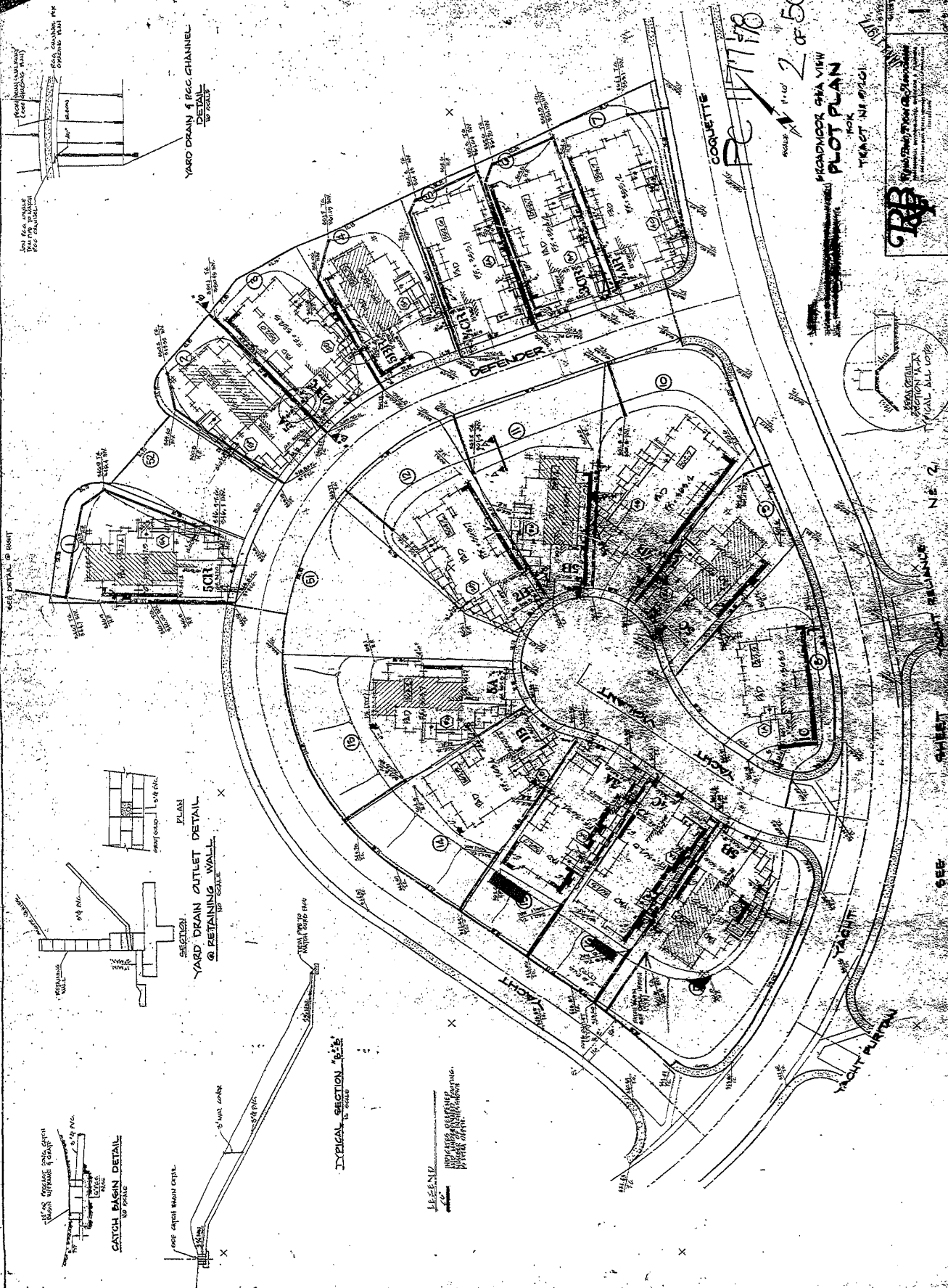


AND ASSOCIATES

1000 1st St. N. E.  
Durham, N.C. 27601  
Dr. J. H. S. S. S.

sheet number  
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of show  
1/1/19  
C. 42





R.B.

HEADQUARTERS VIEW  
PLOT PLAN  
TRACED IN PENCIL

Scale 1" = 50'

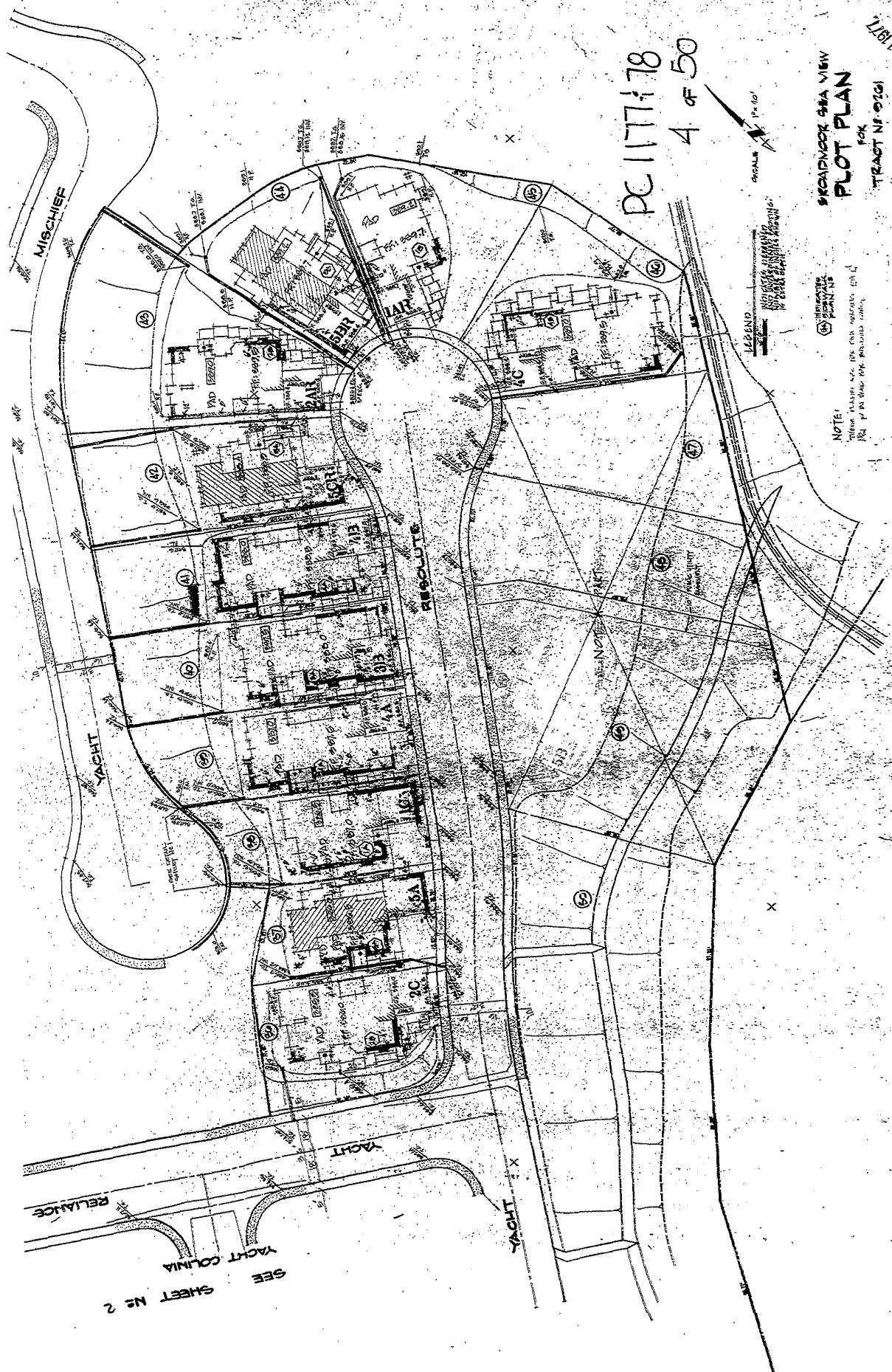
SEE SHEET

N.E. 2.

SEE SHEET

SEE SHEET





PC 1177:78  
4 of 50



LEGEND  
NOTES  
FOR THE ARCHITECT

PROPOSED 98A VIEW  
PLOT PLAN  
FOR  
TRACT N1-0701

NOTE:  
THIS PLAN IS FOR THE ARCHITECT'S USE ONLY.  
IT IS NOT TO BE USED FOR ANY OTHER PURPOSE.



1/8/1971  
3

SEE SHEET N2 2



## EXHIBIT 4



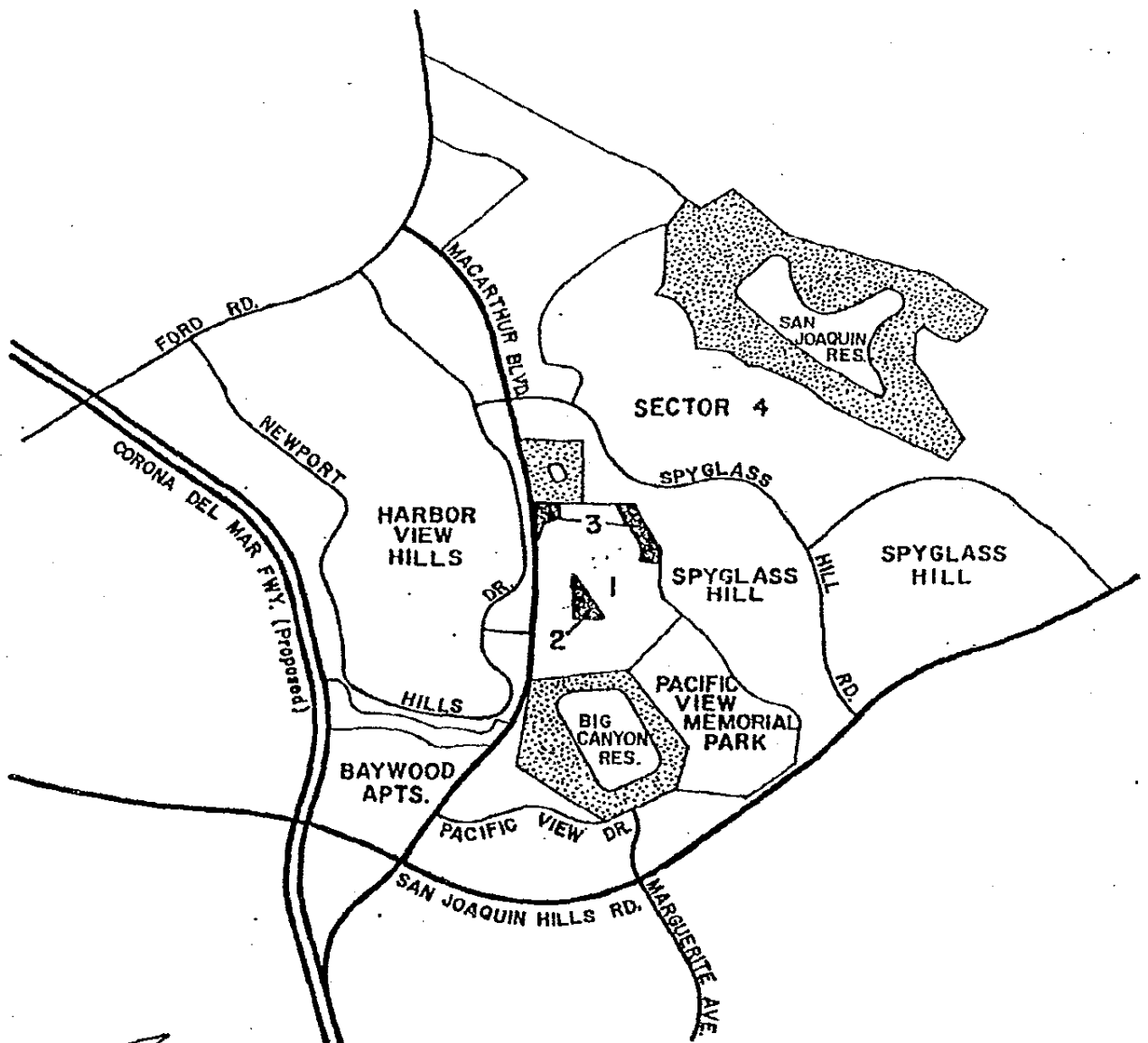
CERTIFIED AS A TRUE AND CORRECT COPY

Kelam L. Brown  
CITY CLERK OF THE CITY OF NEWPORT BEACH

DATE: 8/18/09

**The Broadmoor Pacific View PC (Planned  
Community) District Amendment No. 18**

Adopted by the City Council on July 28, 1975



0 500 1000

#### LEGEND

- LOW MEDIUM DENSITY RESIDENTIAL
- PARK AND RECREATION AREA
- OPEN SPACE AREA
- RESERVOIR



**Raub, Bein, Frost & Associates**  
 PROFESSIONAL ENVIRONMENTAL ENGINEERS & PLANNERS  
 P.O. BOX 2540 • 1461 GUAL STREET • NEWPORT BEACH, CALIFORNIA 92663  
 (714) 833-8078

**BROADMOOR PACIFIC VIEW**  
 LAND USE PLAN

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## INTRODUCTION

The Broadmoor Pacific View PC (Planned Community) District within the City of Newport Beach has been prepared in accordance with Amendment No. 18 to the City of Newport Beach General Plan, adopted by the City Council on July 28, 1975, to provide low density residential development within a 50-acre parcel being subdivided from the Pacific View Memorial Park.

The purpose of this PC (Planned Community) District is to provide a method whereby this property may be classified and used for residential development while also allowing flexibility of land use and development standards.

Except as expressly stated within the text of this PC (Planned Community) ordinance, all applicable provisions and requirements of the City of Newport Beach Zoning Law shall apply.

## SECTION I. STATISTICAL ANALYSIS

### BROADMOOR PACIFIC VIEW

<u>Type</u>	<u>Area</u>	<u>Acres</u>	<u>D.U./acre</u>	<u>D.U.</u>	<u>Per/D.U.</u>	<u>Population</u>
Low Density Res.	1	45.9		175	3.6	630
Park	2	2.5				
Natural Open Space	3	1.6				
TOTAL		50.00		175	3.6	630

## SECTION II. GENERAL

An estimated total population of 630 persons is anticipated for the planning area. This figure has been used in estimating the need for community facilities.

### Schools

The community of Pacific View falls within the Newport-Mesa Unified School District. In an effort to anticipate the maximum number of school students to be generated by the total community, the highest student per unit factor was applied.

The following figures represent a projected total student enrollment based upon anticipated numbers of dwelling units to be constructed.

### AREA 1 NEWPORT-MESA UNIFIED SCHOOL DISTRICT

<u>Type</u>	<u>Students/ Dwelling Unit</u>	<u>Units</u>	<u>Dwelling Students</u>
Elementary (k-5)	.55	175	96
Junior High (6-8)	.30	175	53
Senior High (9-12)	.35	175	61
TOTAL			210

### Recreation

Private park and open space areas totaling approximately 2.5 acres are proposed to serve the recreational needs of Broadmoor Pacific View. In addition, a natural open space area has been provided in the north portion of the project area.

All private open and recreational areas within the development boundaries will be maintained by a private community association established by and consisting of homeowners within the subject development.

#### Uniform Building Code

No portion of this text withstanding, all construction within this Planned Community shall comply with the regulations of the Uniform Building Code as adopted by the City of Newport Beach.

### **SECTION III. DEFINITIONS**

The following definitions refer to the permitted uses described in the Development Standards contained in this ordinance:

1. Conventional Subdivision on a Planned Community  
A conventional subdivision of detached dwellings and their accessory structures on individual lots where the lot size may be less than the required average for the district, but where the density for the entire subdivision meets the required standards and where open space areas are provided for the enhancement and utilization of the overall development.

### **SECTION IV. LOW DENSITY RESIDENTIAL**

#### **A. Permitted Uses**

1. Single family detached dwellings.
2. Conventional subdivisions and conventional subdivisions on a Planned Community concept.
3. Parks, playgrounds, recreation or open space and green areas, riding, hiking, and bicycle trails and related facilities or a non-commercial nature.
4. Accessory buildings, structures, and uses where related and incidental to a permitted use.
5. One (1) on-site unlighted sign, not exceeding two (2) square feet in area, to advertise the lease, rental or sale of the property upon which it is located. Such sign may show only the name, address and the phone number of the owner, but shall not show the name, address, telephone number of any other description or identification of any person, firm or corporation other than the owner of said property.
6. Two (2) permanent community identification signs. Such signs may be lighted and may show only the name of the community.
7. One street identification sign at the entrance of each street. Such signs may show the street name, house numbers and owner's name.
8. Community recreational facilities and structures, subject to the development standards contained in Section V, Community Facilities, of this ordinance.

B. Area Per Dwelling

A minimum lot size of 4,500 square feet shall be provided. However, an average area of 8,000 square feet shall be provided for each dwelling unit except as approved by a use permit for cluster development. For the purpose of this section, average area per dwelling shall be defined as the average of all developed areas (to include parks, recreational and permanent open space) exclusive of all areas reserved for vehicular rights-of-way not including private driveways divided by the total number of dwelling units.

C. Maximum Building Height

All buildings shall comply with the restrictions established by the 24/28 foot height limitation district.

D. Setbacks from Streets

The following minimum setbacks shall apply to all dwelling structures (not to include garden walls or fences) adjacent to streets. Said setbacks are to be measured from the curb line.

<u>Street Designation</u>	<u>Setback from Curb Line</u>
Local Access Street	5'
Local Non-Access Collector Street	10'

Garages shall conform to the building setback requirements above except that front facing garage setbacks shall be as follows:

- 1) Where a sidewalk exists, the setback shall be 3 feet or a minimum of 20 feet, measured from the back of walk.
- 2) Where no sidewalk exists, the setback shall be 5 feet or a minimum of 20 feet, measured from back of curb.

Prior to the issuance of building permits for each phase of the project, a final setback map shall be submitted to the Community Development Director indicating the setbacks to all building areas proposed in the development. The Community Development Director shall review said map and all future modifications of the setbacks shown on this map in view of setbacks listed in this ordinance and/or sound planning principles and shall either approve, modify, disapprove the setbacks shown, or refer the matter to the Planning Commission for a determination. In the case of modification or disapproval, the applicant may appeal to the Planning Commission for further consideration.

E. Setbacks from Property Lines

All setbacks listed under this subsection refer to all property lines not affected by Subsection D above. Dwellings may orient towards the opposite property line in order to take advantage of view conditions.

Rear or Front Yard

The building setback on the view side shall be a minimum of three (3) feet from the top of the slope. The rear yard setback shall be a minimum of ten (10) feet from the toe of the slope. The street and view side setbacks shall be established on the approved site plan.

Side Yard

A zero side yard setback between the structure and the lot line shall be permitted on one side provided there are no openings on the zero side yard wall and that a total of ten (10) feet shall be provided between structures.

F. Fences, Hedges, and Walls

Fences shall be limited to a maximum height of eight (8) feet and are allowed within all setback areas, except in the street side and view side setback where a maximum height of three (3) feet shall be maintained. The maximum height of fences within the view side setback may be increased to six (6) feet provided they are wrought iron, clear glass or other open type construction.

G. Trellis

Open trellis and beam construction shall be permitted to extend from the dwelling to within three (3) feet of the property line in the side yard, except that such trellis structures may extend to one (1) foot from the side property line provided they are fire resistant construction in accordance with the requirements of the City of Newport Beach. The maximum height of the trellis shall be eight (8) feet. These areas shall not be considered in calculating lot area coverage; however, trellis areas shall not exceed 20 percent of the remaining open space of a developed lot. Trellis and beam construction shall be so designed as to provide a minimum of 50 percent of the total trellis area as open space for the penetration of light and area to areas which it covers.

H. Parking

Parking for residential uses shall be in the form of not less than two (2) garage spaces and two (2) uncovered guest spaces per dwelling unit. Guest parking may be located on street or off street. Cluster development guest parking shall be as required by a use permit.

I. Maximum Site Area Coverage

For aggregate building coverage, the maximum shall be 50 percent of any lot. For the purpose of this ordinance, coverage shall include all areas under roof, but shall not include trellis areas.

J. Architectural Features

1. Architectural features, including fireplaces, balconies, bay windows, cornices and eaves, may extend to two and one-half (2-1/2) feet into any front, or rear yard setback. These architectural features may extend to one (1) foot from the side yard property line

except that such architectural features may extend to the side property line provided they are fire protected in accordance with the requirements of the City of Newport Beach, and that a minimum of four (4) feet separation is maintained from similar projections or structures on an adjacent lot.

2. Uncovered balconies, decks, patios, walls or railings to a height of four (4) feet above the pad elevation may project a maximum of eleven (11) feet into the view side setback of a maximum of eight (8) feet beyond the top of slope adjacent to the unit, only on approximately 20% of the lots as indicated on the Setback Map. Each balcony, deck, patio, wall or railing shall be selected from one of three standard designs submitted by the developer and shall in each case be subject to the approval of the Modification Committee.

## SECTION V. COMMUNITY RECREATIONAL FACILITIES

The following regulations apply to the development of private community recreational facilities. Prior to the issuance of a building permit, plot plans, elevations and any other such documents deemed necessary by the Community Development Developer shall be subject to the review and approval of the Community Development Director.

### A. Permitted Uses

The following uses, provided they are in conjunction with private community recreational facilities and not commercial in nature, shall be allowed.

1. Parks, play grounds, tennis courts, pool, recreation or open green areas, riding, hiking and bicycle trails and related facilities.
2. Accessory buildings, structures and uses related and incidental to a permitted use.
3. Signs identifying or giving directions to permitted uses and facilities. No sign shall exceed thirty-five (35) square feet in area.

### B. Maximum Building Height

All buildings shall comply with the height restrictions established by the City for the 24/28 foot height limitation district.

### C. Setbacks

Twenty-five (25) feet from all residential property lines, and ten (10) feet from any streetside property lines. No structure shall be located closer to a residential structure on an adjacent site than a distance equal to twice the height of the non-residential building. The height of the non-residential structure above the grade elevation of the residential site shall apply. Structures which abut a park, greenbelt or other permanent open space may abut the common property lines.

D. Landscaping

A minimum of ten (10) feet (depth) of continuous landscaping shall be maintained adjacent to all street or highway rights-of-way in the community recreational facilities area, except for perpendicular access driveways and pedestrian walkways. Landscaping shall not exceed thirty (30) inches in height within ten (10) feet of an intersection or access drive.

E. Parking

Parking for twelve (12) vehicles shall be provided within the Community Recreational Facilities area. Location of said parking is subject to review of the Community Development Director. The Community Development Director shall review said facilities and require the amount of off-street parking deemed appropriate, relative to the intended use and activities of such facilities.

## EXHIBIT 5



PLANNED COMMUNITY DISTRICT REGULATIONS  
BROADMOOR PACIFIC VIEW  
CITY OF NEWPORT BEACH, CALIFORNIA

Prepared By:

RAUB, BEIN, FROST & ASSOCIATES  
1401 Quail Street  
Newport Beach, California 92663

October 23, 1975

Revised and Approved  
January 12, 1976

FINAL  
FILE COPY

DO NOT REMOVE

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4. Accessory buildings, structures, and uses where related and incidental to a permitted use.
5. One (1) onsite unlighted sign, not exceeding two (2) square feet in area, to advertise the lease, rental or sale of the property upon which it is located. Such sign may show only the name, address and the phone number of the owner, but shall not show the name, address, telephone number or any other description or identification of any person, firm or corporation other than the owner of said property.
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Prior to the issuance of building permits for each phase of the project, a final setback map shall be submitted to the Community Development Director indicating the setbacks to all building areas proposed in the development. The Community Development Director shall review said map and all future modifications of the setbacks shown on this map in view of setbacks listed in this ordinance and/or sound planning principles and shall either approve, modify, disapprove the setbacks shown, or refer the matter to the Planning Commission for a determination. In the case of modification or disapproval, the applicant may appeal to the Planning Commission for further consideration.

E. Setbacks from Property Lines

All setbacks listed under this subsection refer to all property lines not affected by Subsection D above. Dwellings may orient towards the opposite property line in order to take advantage of view conditions.

#### Rear or Front Yard

The building setback on the view side shall be a minimum of three (3) feet from the top of slope. The rear yard setback for nonview lots shall be a minimum of ten (10) feet from the toe of slope. The street and view side setbacks shall be established on the approved site plan.

#### Side Yard

A zero side yard setback between the structure and the lot line shall be permitted on one side provided there are no openings on the zero side yard wall and that a total of ten (10) feet shall be provided between structures.

#### F. Fences, Hedges, and Walls

Fences shall be limited to a maximum height of eight (8) feet and are allowed within all setback areas, except in the street side and view side setback where a maximum height of three (3) feet shall be maintained. The maximum height of fences within the view side setback may be increased to six (6) feet provided they are of wrought iron, clear glass, or other open type construction.

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Trellis and beam construction shall be so designed as to provide a minimum of 50 percent of the total trellis area as open space for the penetration of light and area to areas which it covers.

#### H. Parking

Parking for residential uses shall be in the form of not less than two (2) garage spaces and two (2) uncovered guest spaces per dwelling unit. Guest parking may be located onstreet or offstreet. Cluster development guest parking shall be as required by a use permit.

#### I. Maximum Site Area Coverage

For aggregate building coverage, the maximum shall be 50 percent of any lot. For the purpose of this ordinance, coverage shall include all areas under roof, but shall not include trellis areas.

J. Architectural Features

1. Architectural features, including fireplaces, balconies, bay windows, cornices and eaves, may extend to two and one-half (2-1/2) feet into any front, or rear yard setback. These architectural features may extend to one (1) foot from the side yard property line except that such architectural features may extend to the side property line provided they are fire protected in accordance with the requirements of the City of Newport Beach, and that a minimum of four (4) feet separation is maintained from similar projections or structures on an adjacent lot.
2. Uncovered balconies, decks, patios, walls or railings to a height of four (4) feet above the pad elevation may project a maximum of eleven (11) feet into the view side setback of a maximum of eight (8) feet beyond the top of slope adjacent to the unit, only on approximately 20% of the lots as indicated on the Setback Map. Each balcony, deck, patio, wall or railing shall be selected from one of three standard designs submitted by the developer and shall in each case be subject to the approval of the Modification Committee.

SECTION V. COMMUNITY RECREATIONAL FACILITIES

The following regulations apply to the development of private community recreational facilities. Prior to the issuance of a building permit, plot plans, elevations and any other such documents deemed necessary by the Community Development Director shall be subject to the review and approval of the Community Development Director.

A. Permitted Uses

The following uses, provided they are in conjunction with private community recreational facilities and not commercial in nature, shall be allowed.

1. Parks, play grounds, tennis courts, pool, recreation or open green areas, riding, hiking and bicycle trails and related facilities.
2. Accessory buildings, structures and uses related and incidental to a permitted use.
3. Signs identifying or giving directions to permitted uses and facilities. No sign shall exceed thirty-five (35) square feet in area.

B. Maximum Building Height

All buildings shall comply with the height restrictions established by the City for the 24/28 foot height limitation district.

C. Setbacks

Twenty-five (25) feet from all residential property lines, and ten (10) feet from any streetside property lines. No structure shall be located closer to a residential structure on an adjacent site than a distance

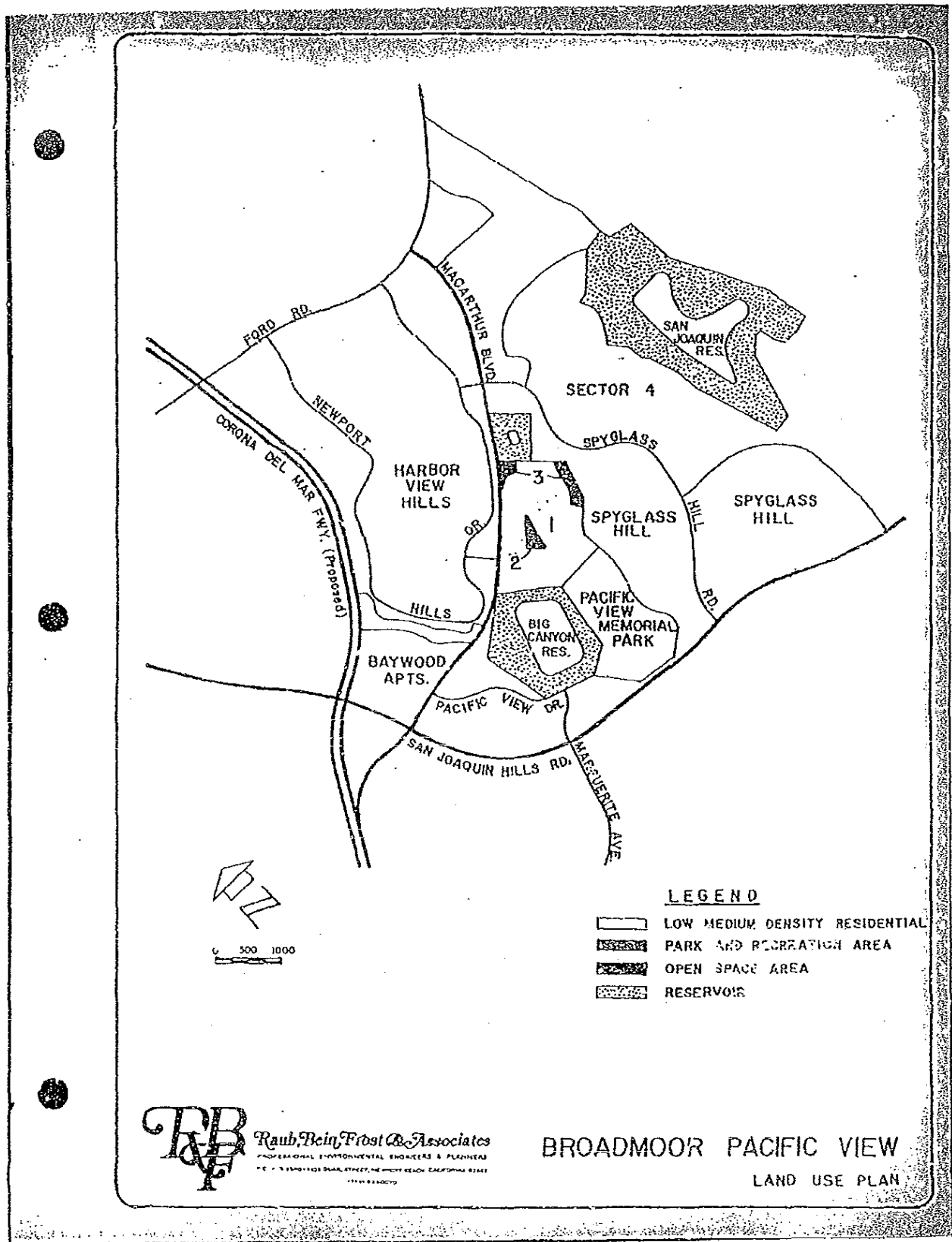
equal to twice the height of the non-residential building. The height of the non-residential structure above the grade elevation of the residential site shall apply. Structures which abut a park, greenbelt or other permanent open space may abut the common property lines.

D. Landscaping

A minimum of ten (10) feet (depth) of continuous landscaping shall be maintained adjacent to all street or highway rights-of-way in the community recreational facilities area, except for perpendicular access driveways and pedestrian walkways. Landscaping shall not exceed thirty (30) inches in height within ten (10) feet of an intersection or access drive.

E. Parking

Parking for twelve (12) vehicles shall be provided within the Community Recreational Facilities area. Location of said parking is subject to review of the Community Development Director. The Community Development Director shall review said facilities and require the amount of offstreet parking deemed appropriate, relative to the intended use and activities of such facilities.



**Raub, Bein, Frost & Associates**  
PROFESSIONAL ENVIRONMENTAL ENGINEERS & PLANNERS  
P.O. BOX 11000, SAN ANTONIO, TEXAS 78211-0000

## EXHIBIT 6



## Jamie and Pat White

**From:** Murillo, Jaime [JMurillo@newportbeachca.gov]

**Sent:** Thursday, September 09, 2010 12:01 PM

**To:** Jamie and Pat White

**Subject:** RE: The Broadmoor Pacific ViewPC (Panned Community) District Amendment No. 18

Jamie,

It was a pleasure meeting with you today. As we discussed, the Broadmor Pacific View PC sets forth the development standards for a new development in your community. With regard to side yard setbacks, the PC is extremely flexibility and doesn't have a minimum side yard setback requirement, with the exception that buildings must maintain a minimum 10-foot separation.

The Building Code does not specify required setbacks, but rather regulates the type of construction and allowances for opening depending on how close the structure is to the property line. I would advise you to speak with a Building Department Engineer for further details on the Building Code.

With regard to your CC&R's, the City does not regulate or enforce CC&R's and we are not a party to the HOA easements.

I hope this information is helpful.

Thanks,  
Jaime

JAIME MURILLO  
ASSOCIATE PLANNER  
CITY OF NEWPORT BEACH  
P (949) 644-3209  
F (949) 644-3229  
JMURILLO@NEWPORTBEACHCA.GOV

**From:** Jamie and Pat White [mailto:p2jwhite@cox.net]

**Sent:** Wednesday, September 08, 2010 2:24 PM

**To:** Murillo, Jaime

**Subject:** The Broadmoor Pacific ViewPC (Panned Community) District Amendment No. 18

Mr. Murillo, I would appreciate your comments regarding the above sited PC. This email will delineate my questions which I would like to review with you tomorrow in our 10:00 AM meeting. The reason for my request is that our neighbor, Mr. McConaughy, is proposing a room addition to which we are opposed for reasons regarding side yard setback and blocking of view. Therefore: 1. In Section II. General a paragraph is entitled Uniform Building Code and indicates that all construction within this PC shall comply with UBC as adopted by the City of NB. With respect to side yard setbacks I would like to understand if the UBC sets any side yard setback standards in a residential neighborhood. 2. In Section IV. Low Density Residential paragraph E. Setbacks from Property Lines, the only reference to side yard setback is where it talks about a zero side yard setback between the structure and the lot line on one side provided that there are no openings on the zero side yard wall and that a total of ten (10) feet shall be provided between structures. This is very inconsistent with the development because every house in this development originally had a door in the side of the house which is referred to as the zero lot line

side. In fact there is no zero lot line in this development. Please refer to the Broadmoor Seaview Plot Plan PC 1177 and 78 sheet 1. All the sited homes on this sheet and all the other sheets show the property line at a minimum of four feet away from the house on what I refer to the zero side of the house, that being the side where the only opening is a door the purpose of which was to provide fire egress from an atrium which is typical in each house.

The Supplementary Declaration of Covenants, Conditions and Restrictions grant to each house next to another house a 4 foot easement for the purpose of landscaping. Thus the PC has no clear definition of what the setback is allowed to be on the other side of the house. All this brings us to the question of who has the authority and responsibility to establish the setback from the lot line on the other side of a house from the "zero side", understanding that in fact there is no zero side.

I hope this email allows you to prepare for our meeting tomorrow. Thank you.

James White

## EXHIBIT 7





# UTILITY LEGEND

- S — EDGE, W.C.R. SANITARY SEWER
- S — EXIST. WATER LINE
- S — EXIST. STORM DRAIN
- S — PROPOSED W.C.R. SANITARY SEWER (HATCHES)
- S — PROPOSED A.C. WATER LINE
- S — EXIST. HYDRANT
- S — PROPOSED STORM DRAIN



## EXHIBIT 8



James and Patricia White  
2003 Yacht Mischief  
Newport Beach, CA 92660  
(949) 759-1434

Date: October 26, 2010

To: City of Newport Beach Planning Department, Mr. Patrick Alford, Planning Manager

Re: The Broadmoor Pacific View PC (Planned Community) District Amendment No. 18

Dear Mr. Alford,

Thank you for taking the time to discuss the Seaview documents with us last Friday. We appreciate your input. This letter is to ask for clarification and confirmation of our interpretation of "The Broadmoor Pacific View PC (Planned Community) District Amendment No. 18, adopted by the City Council on July 18, 1975, referred to in this letter as the PC. If you find a difference to our interpretation, which is stated in the final paragraph to this letter, please provide the documents that support your position. I have understood that if we do not agree with the opinion of your staff we may request a full Planning Commission hearing. I will refer in this letter to our community as Seaview. I wish to emphasize, our goal is to find the facts as they may be determined by whatever documents that exist. This should certainly be able to be accomplished with the assistance of RBF Consultants, the successor to the engineering company of Raub, Bein, Frost and Associates, that prepared the documents and your staff. It will be helpful to refer to both the Plot Plan dated 1-3-77 and the PC as you read through this letter.

The Declaration of Covenants, Conditions and Restriction for Broadmoor Sea View made September 13, 1976 and recorded in the county records on September 14, 1976 are referred to in this letter as the "CC & R's". Article VII of the CC & R's, states that any changes of various kinds in Seaview, "shall not be inconsistent with those certain Planned Community District Regulations, Broadmoor Pacific View, City of Newport Beach, California prepared by Raub, Bein, Frost and Associates, dated October 23, 1975, revised and approved January 12, 1976", thereby creating the zoning standards and regulations by which future improvements to Seaview may be made. The Planned Community District Regulations referred to in the CC & R's is, I believe, an amendment to the original PC.

The issues that we are trying to clarify are setbacks and rights to views. I understand that the City does not get into view issues and, therefore, it will be satisfactory that you only address the setback issue. The PC discusses setbacks in Section IV, Subsections D and E. There is some additional information in Subsection F that may be relevant to our request. Our review of the PC is as follows:

1. **Subsection D. Setbacks for Streets.** This subsection specifies the setbacks from streets. It also includes as the final paragraph the following: "Prior to the issuance of building permits for each phase of the project, a final setback map shall be submitted to the Community Development Director indicating the setbacks to all building areas proposed in the

development". Use of the words "building areas" in the quoted sentence above indicates to me that there is a map showing the building envelope into which a building may be built or possibly a site or plot plan showing the actual footprint of each home. In fact there is such a map and it is entitled, Broadmoor Seaview Plot Plan for Tract No. 9047, dated 1-3-77, and referred to in this letter as the Plot Plan. This is certainly the map that Broadmoor submitted to the city prior to the issuance of building permits and it shows the setbacks for each house from all the property lines. In the absence of any other map showing the "building areas", one must conclude that this Plot Plan for Seaview, dated 1-3-77 is the Plot Plan for the Phase in which our home is built and is the map referred to in the above quoted sentence that was required to be submitted before the issuance of building permits.

**Subsection E. Setbacks from Property Lines.** Subsection E begins with the sentence, "All setbacks listed under this subsection refer to all property lines not affected by Subsection D above". Since Subsection D deals only with the setbacks from the street it can be concluded that Subsection E will specify setbacks from all the other property lines. The next sentence, "Dwellings may orient towards the opposite property line in order to take advantage of view conditions" raises the question of what is meant by "the opposite property line." The houses all have a blank side, meaning that there are no windows in the wall of that side of the house; like you would find in a zero lot line development, except Seaview is not a zero lot line development. In fact there is a door on this blank wall to provide fire code egress from bedrooms or an atrium. The property line on this side of each house in Seaview is a minimum of 4 feet away from the blank wall of the house. This is sometimes referred to as the zero side. As you know, the neighbor on the blank wall side of the house has an easement allowing him to landscape the area between the property line and the blank wall of the house. Since it would make no sense to orient the blank side of the house, which has no windows, towards the opposite property line to take advantage of a view, it is conclusive that the opposite property line is that line which is nearest the windows side of the house, thereby affording the house a particular view that was deemed valuable by the original developer. This opposite property line occurs between two houses that face each. Refer to the Plot Plan for additional clarity. Notice the zero or blank wall side verses the window side of the house, and again the window side of the house is the side in closest proximity to what is called the opposite property line. All the property lines around a house are addressed directly in Subsection E. except the setback from the opposite property line. The opposite property line is between two houses that face each other and are at the end of the cul-de-sac. The houses were oriented on the lot to take advantage of a view and each lot and its related house are unique as to the view and floor plan and therefore it would have been impractical to assign a one size fits all setback distance. Rather these setbacks are delineated on the approved site plan that was required to be submitted prior to the issuance of building permits. The paragraph referred to in the paragraph 1 of this letter which starts with the words, "Prior to the issuance of....." indicates that the setbacks to all building areas can be found on a final setback map. The only map which shows setbacks to all property lines is the Plot Plan. So it must be concluded that the setback from the opposite property line can only be found on the Plot Plan because of the unique character and view of each of these lots. If one were to purchase a house that had a view and where most houses were 10 feet apart and a particular lot at the end of the cul-de-sac had a lot of open space between the houses because the houses had been oriented to take advantage of a view across their common property line; where

would one find the definitive protection of the open space and the view afforded by the orientation of the house on the lot and it's specific setback from the opposite property line? That assurance can only be found on the Plot Plan and the Plot Plan is the only map known to exist that specifies all the property line setbacks for each particular lot.

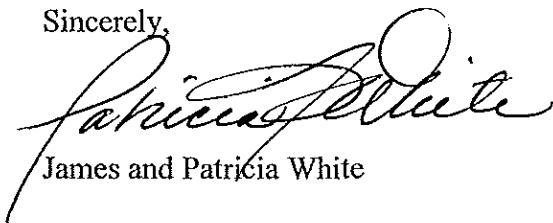
Subsection E goes on to describe "Rear or Front Yard" setbacks. Most of the houses in Seaview, as can be seen from the Plot Plan have garages which orient towards to street. When the house is built on top of a slope, the yard at the end of the house opposite from the street is called the view side and therefore the view side property line. When the house is built at the bottom of a slope that same yard is called the rear yard and therefore the property line is called the rear property line. Subsection E clearly specifies the building setbacks required from the top and toe of the slopes for these view and rear yards.

The next item is Side Yard. In this paragraph is discussed a side yard setback of zero with the stipulation that the buildings be 10 feet apart. Since there is no circumstance in Seaview where the property line is in the same place as the blank side building wall, it is hard to see what this paragraph means except that buildings must be 10 feet apart. In fact all the houses in Seaview have a setback from this side yard property line that is a minimum of 4 feet.

**2. Subsection F. Fences, Hedges, and Walls.** This subsection specifies that fences can only be 3 feet high in the view side setback. This substantiates the theory that views are protected across a common property line with the neighboring house.

In conclusion the PC clearly states that the setbacks from all property lines are contained in the PC document and an approved site plan. Since the Plot Plan is the only known document that delineates the setbacks from all the property lines it must be concluded that it is the map referred to in the PC. I look forward to your official written opinion of the setbacks from property lines that are described in the PC. Thank you for your assistance in this matter.

Sincerely,



James and Patricia White



## EXHIBIT 9





# CITY OF NEWPORT BEACH

## PLANNING DEPARTMENT

November 2, 2010

James White  
2003 Yacht Mischief  
Newport Beach, CA 92660

**RE: Interpretation of Broadmoor Pacific View PC Text Setback Regulations**

Dear Mr. White,

In response to your letter dated October 26, 2010, I have investigated the issue of the establishment of setbacks in the Broadmoor Pacific View Planned Community. At issue is whether setbacks were established by an "approved site plan" referenced in Section IV, Subsection E of the PC text remains in effect. More specifically, is whether the side setbacks were established by this site plan and remain in effect.

After reviewing the project files, I have concluded that only the front and rear were established by a setback map. I have based this conclusion on the following facts:

- A Planning Commission staff report dated December 4, 1975, states that "[i]nstead of establishing traditional front and rear setbacks, the applicant is proposing to establish street-side setbacks and view-side setbacks. The applicant has prepared a specific setback plan which will establish these setbacks for each lot." There is no mention of side setbacks.
- The setback map was approved by the then-Community Development Director as provided for in Section IV, Subsection D of the PC text, only front and rear setbacks were identified (see attached).

Based on this information, I can only conclude that the "street and view side setbacks" in Section IV, Subsection E refer to the front and rear setbacks, respectively, and not the side setbacks.

Please feel free to contact me at 949-644-3225 or [PAlford@newportbeachca.gov](mailto:PAlford@newportbeachca.gov) if you have any questions.

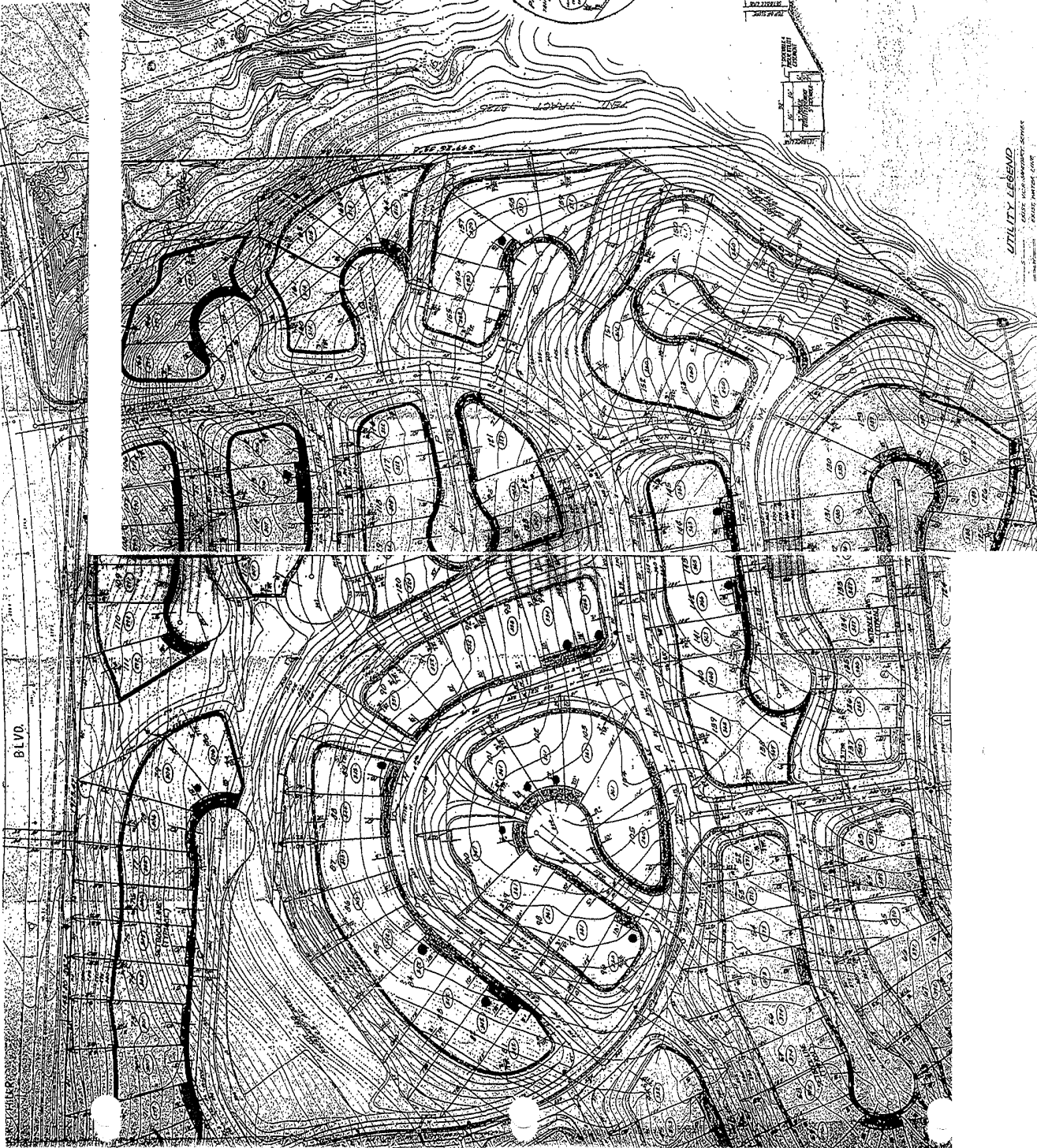
Sincerely,

Patrick J. Alford  
Planning Manager



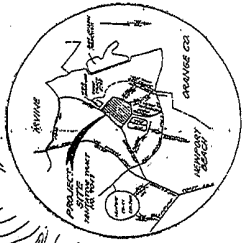
## EXHIBIT 10





BLVD.

AND  
RESERVOIR  
OF 192-381



VICINITY MAP

ASSEMBLED FOR  
BROADMOOR, JONES  
10000, 10000, 10000

TYPICAL SECTION A-A

# Setback Map TRACT 9047

IN THE CITY OF NEWPORT-BEACH, COUNTY OF ORANGE,  
STATE OF CALIFORNIA

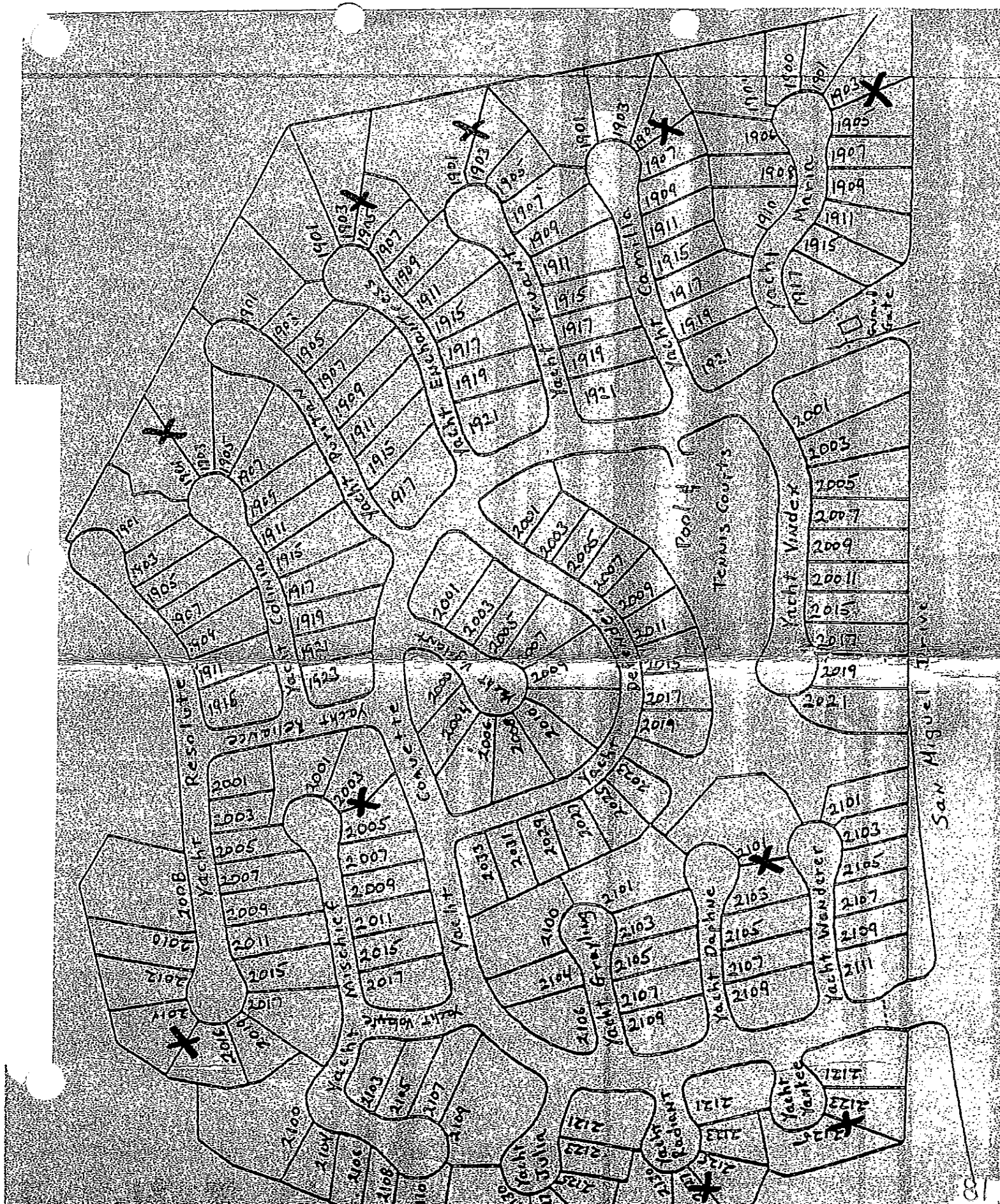
UTILITY LEGEND  
GAS  
ELECTRIC  
WATER  
SEWER  
TELEPHONE

PREPARED BY



## EXHIBIT 11







## EXHIBIT 12



PC 1132433-76

pg 3 of 55

Mr. Alford,

Please look at the microfisk PC 1132433-76  
pg 3 of 55. It shows houses @ lots 30, 29 eight  
feet apart, houses @ lots 27 & 26, eight feet  
apart and houses @ lots 22 & 21, eight feet  
apart. So there must be an amendment to  
PC No. 18 that modified the separation  
between houses. Please call me at your  
convenience. This does change some things;  
I need your input really soon. I did not  
review the whole tract (all of Seaview, but  
I am told there are alot more houses  
eight feet apart. Thanks for your help.

John R. White



## EXHIBIT 13



**APPLICATION APPLICATION**  
**CITY OF NEWPORT BEACH**

No. 1055  
Application Rec'd by WCC  
Fee: 5000 5000 5000  
10-16-76  
Property owner

Department of Community Development  
Planning and Ordinance Administration Division  
Phone (714) 673-2110

Applicant (print) BEACHVIEW HOMES INC

Phone 584-4230

Mailing Address 17802 TUSTIN AVE

Property Owner Same

Phone

This request is for lots 1, 2, 7, 8, 9, 10, 21, 22, 26, 27, 29, 30, 31, 32, 40, 41, 42, 43 of Tract 9051 and lots 34, 35, 43, 44, 50, 51 of Tract 9260; and lots 1, 2, 7, 8, 9, 10, 21, 22, 26, 27, 29, 30, 31, 32, 40, 41, 42, 43 of Tract 9051 and lots 34, 35, 43, 44, 50, 51 of Tract 9260  
Address of Property Involved LOTS 34-35, 41-42, 43-44, 50-51

Tract 9260

Request that one lot provide an easement for road  
from the corner and the side yard easements  
be reduced to a each of 10' and 10'.

Present Use 5' SIDE YARDS

Zone R2

Description of Property Involved (if too long, attach separate sheet)

**OWNER'S AFFIDAVIT**

I (We) do swear that I am (we are) the owner(s) of the property(ies) involved in this application. I (We) further certify, under penalty of perjury, that the foregoing statements and answers herein contained and the information herein submitted are in all respects true and correct to the best of my (our) knowledge and belief.

Signature(s) SP. L. [Signature]

NOTE: An agent may sign for the owner if written authorization from the record owner is filed with the application.

**DO NOT COMPLETE APPLICATION BELOW THIS LINE**

Date Filed 7-6-76 Fee Pd. 85.00 Receipt No. 0877

Hearing Date 7-20-76 Publication Date 7-20-76

Posting Date 7-8-76 Mail Date 7-8-76

Notification Committee Action Oppose

Date 7-20-76 Appeal

P. C. Hearing P. C. Action

Date Appeal

P. C. Hearing P. C. Action

Date

M-1055



## EXHIBIT 14





# CITY OF NEWPORT BEACH

CALIFORNIA

City Hall  
3300 W. Newport Blvd.  
Newport Beach, CA 92660  
Area Code 714  
673-2110

## Modifications Committee Findings and Action

Application No. 1055

Applicant Broadmoor Homes, Inc.

Address of Property Involved Broadmoor Pacific View

### Legal Description

Modification Requested to permit an 8 foot separation between certain units (where the P-C Text requires a 10 foot separation). This request is for Lots 1, 2, 7, 8, 9, 10, 21, 22, 26, 27, 29, 30, 31, 32, 40, 41, 42, 43 of Tract 9047; and Lots 34, 35, 44, 45, 60, 61 of Tract 9260; and Lots 2, 3, 18, 19, 34, 35, 41, 42, 47, 48 of Tract 9261.

The Modifications Committee on July 20, 1976 approved the subject application upon the following conditions:

1. That development shall be in substantial conformance with the approved plot plans.

The Modifications Committee determined in this case that the proposal would not be detrimental to persons, property or improvements in the neighborhood and that the modification as approved would be consistent with the legislative intent of Title 20 of the Newport Beach Municipal Code for the following reasons: 1. The proposed development is in general conformance with the Planned Community Development Standards for "Broads or Pacific View." 2. The reduced separation between structures will occur only at the ends of streets or cul-de-sacs where the end dwelling units will be reversed so as to eliminate blank walls along the exterior side yards on the subject lots. 3. The proposed development is a better site solution than originally planned, since more open space will be provided at the ends of streets & cul-de-sacs. NOTE: This approval expires in 6 months if not used. If you require an extension, it must be received prior to the expiration date.

The decision of the Committee may be appealed to the Planning Commission within 7 days of the date of the decision. Any appeal filed shall be accompanied by a filing fee of \$100.00. No building permits may be issued until the appeal period has expired.

MODIFICATIONS COMMITTEE -  
DEPARTMENT OF COMMUNITY DEVELOPMENT  
R. V. HOGAN, DIRECTOR

By William R. Laycock  
William R. Laycock  
Senior Planner

NOTE: The above Application Number must be affixed to the plans when being submitted to the Building Division for plan check and/or permits.

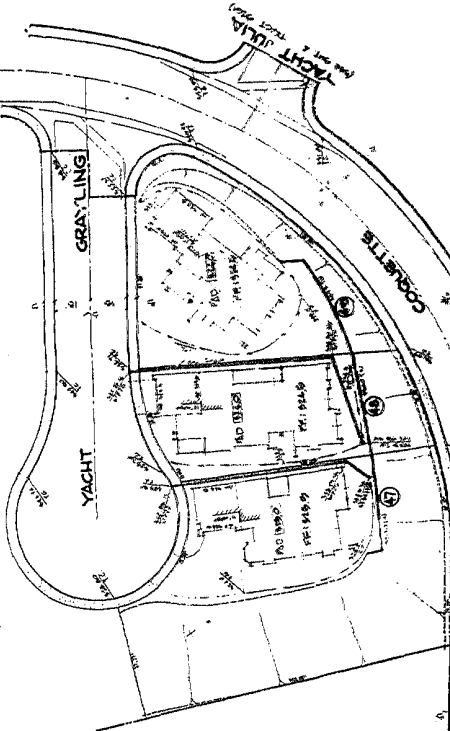


## EXHIBIT 15

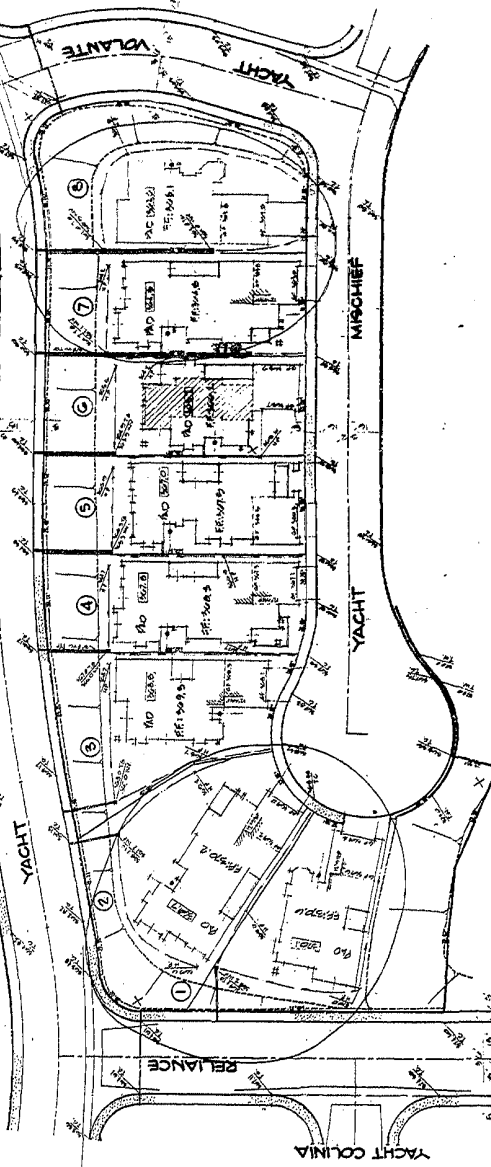


SHEET No 4

SEE



(SEE PART 2, TRACT 4501)  
YACHT DEFENDER



SHEET No 2

SEE

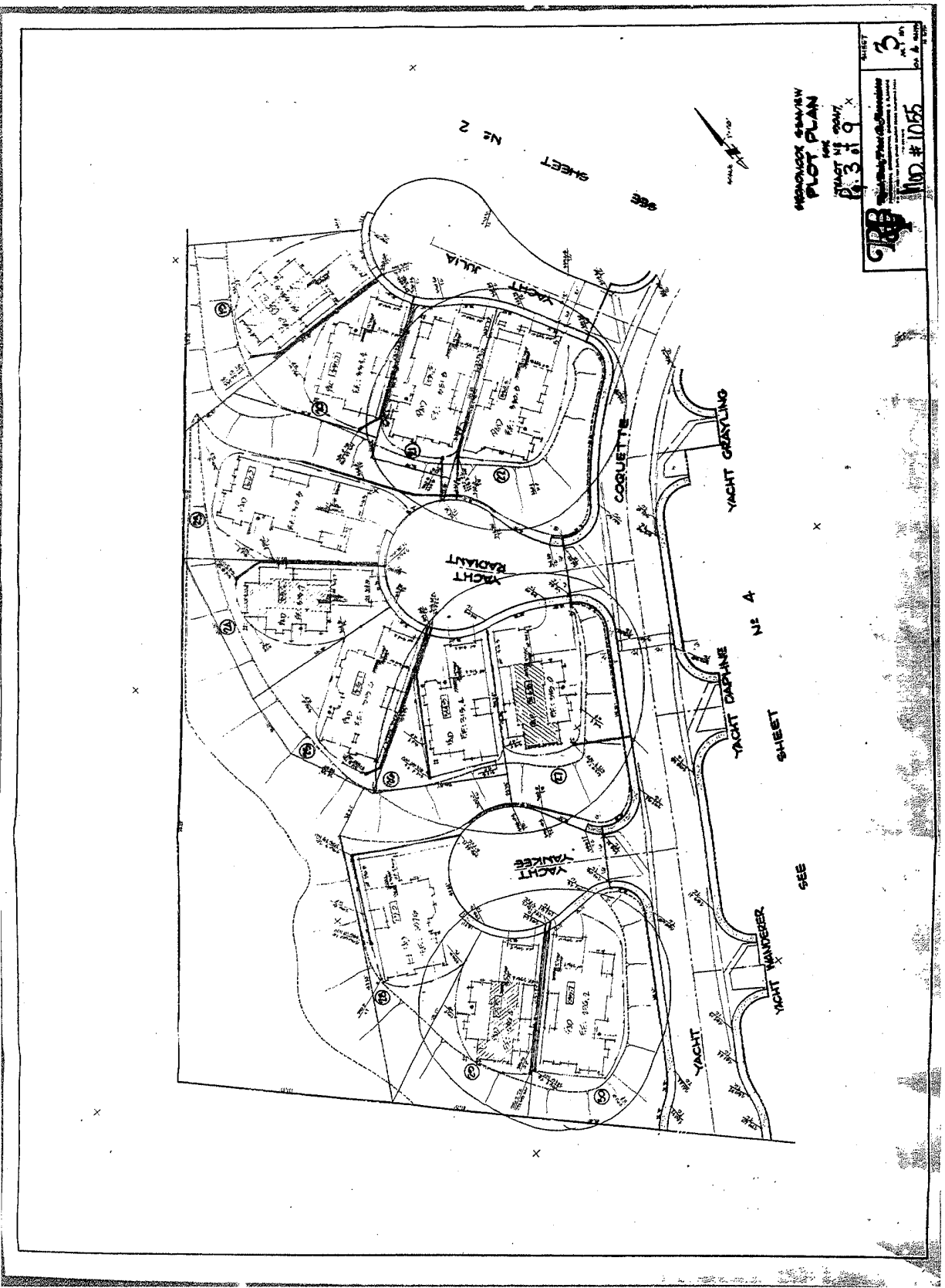


RESEARCH SERVICE  
PLOT PLAN

TRACT No 9

PROJECT	1
NO. 1055	





SHEET No 2

MANHATTAN SUBWAY  
PLOT PLAN

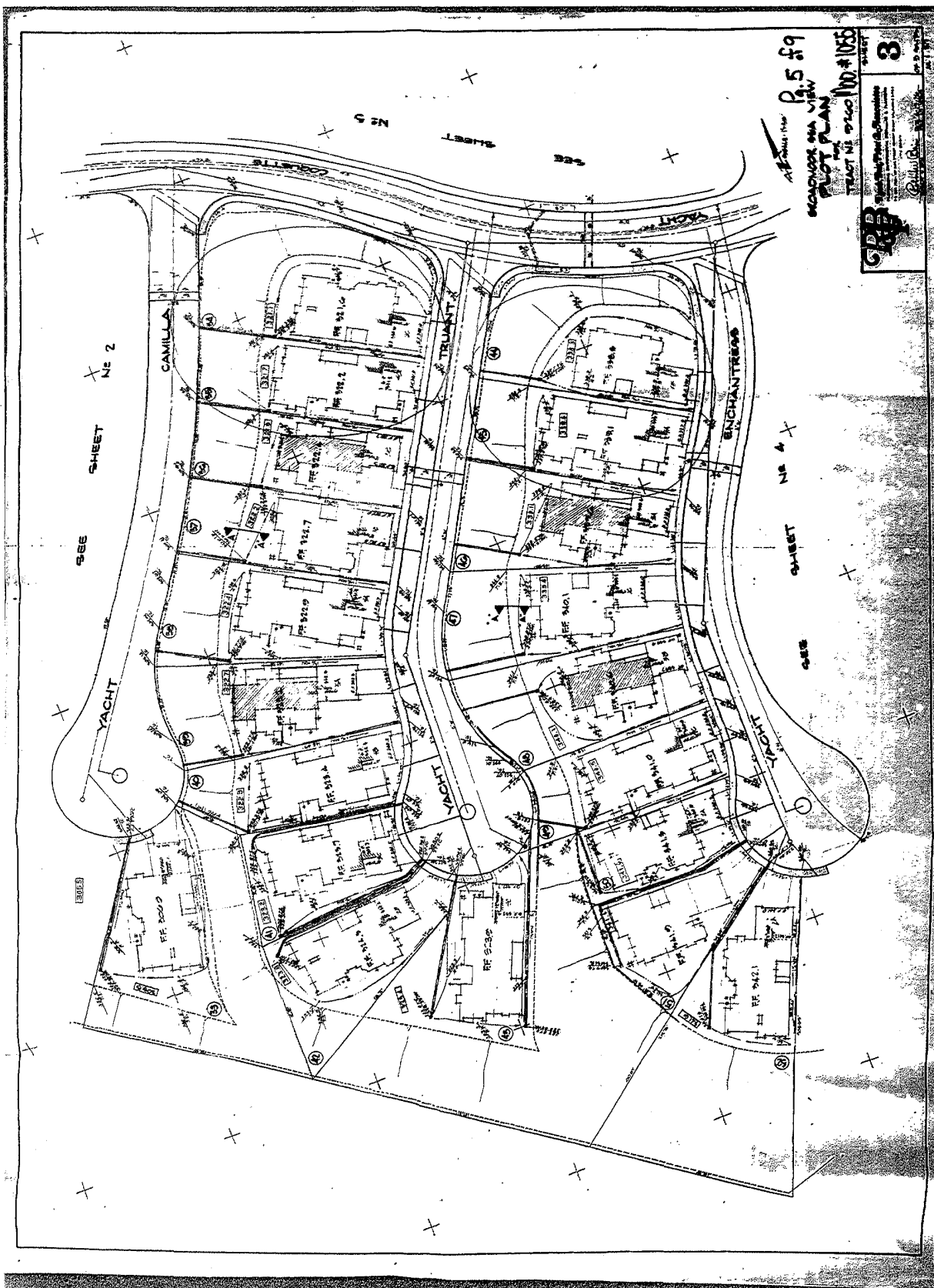
YACHT No 1055

PROJECT	YACHT
DATE	10/10/55
BY	[Signature]
NO.	1055
3	

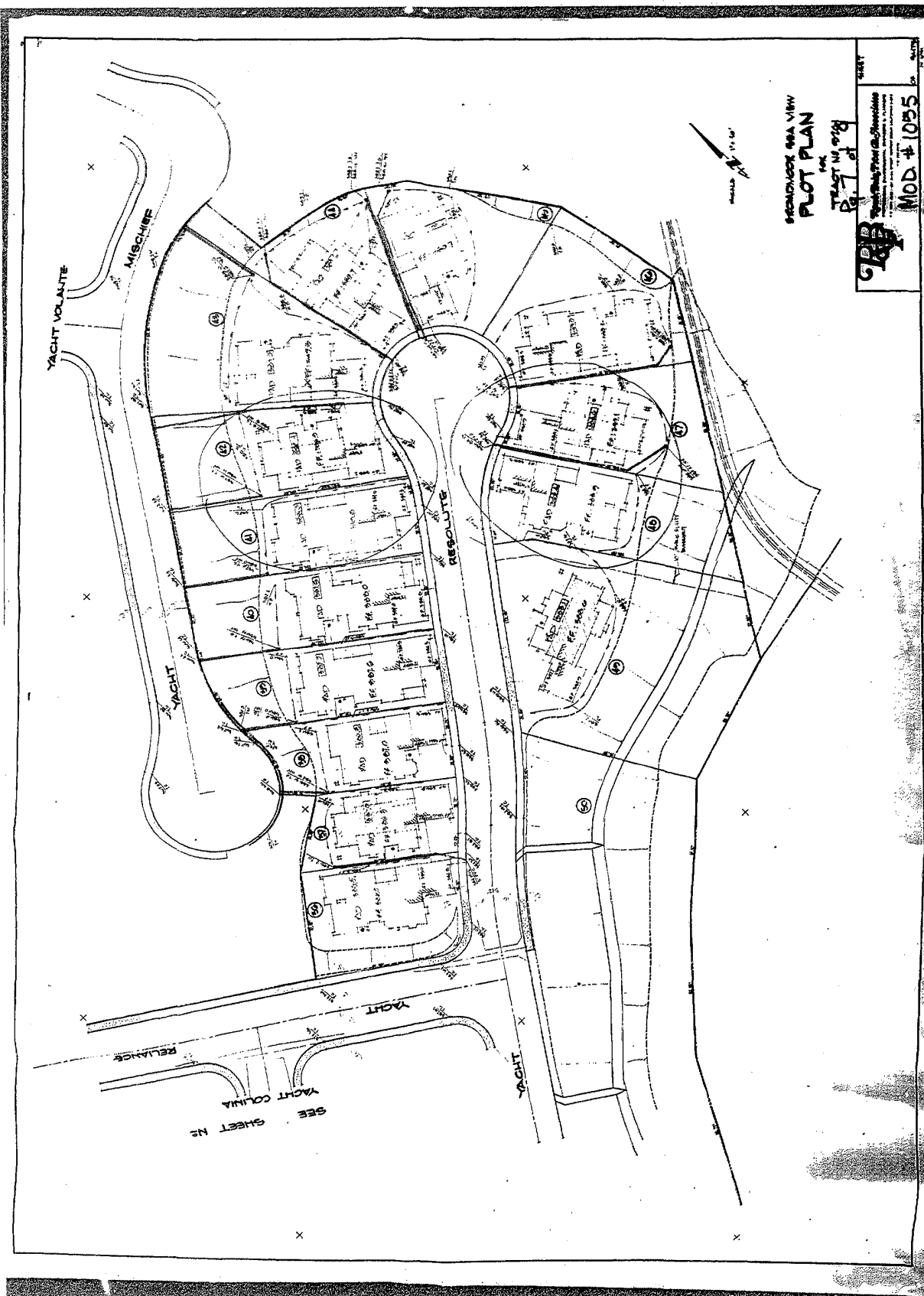


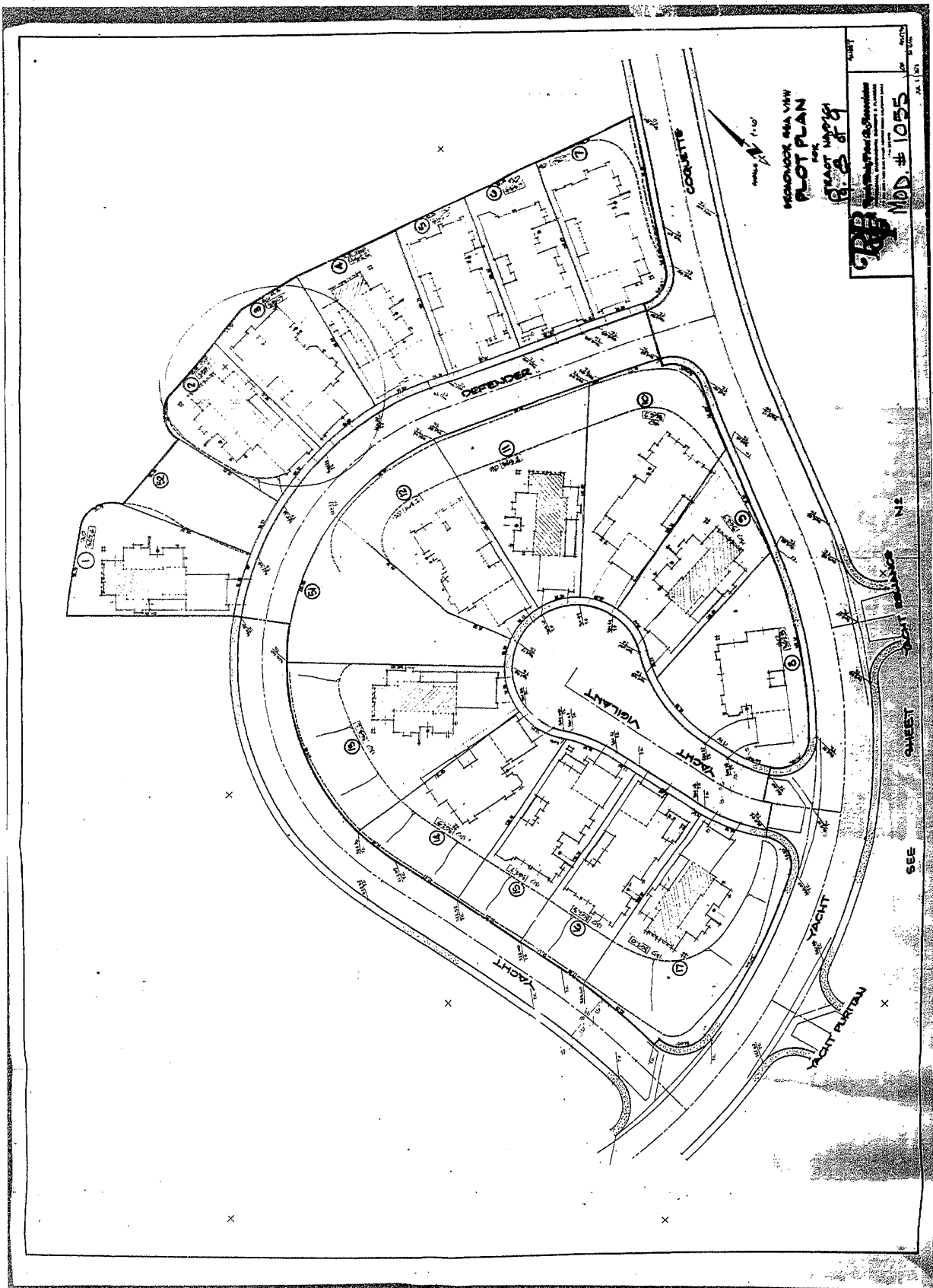
RECHECK DRAWING  
PLOT PLAN  
TYPED BY  
12 4 9

<b>DR</b>	SHEET	4
	NO. 1055	













## EXHIBIT 16





## CITY OF NEWPORT BEACH

### PLANNING DEPARTMENT

November 9, 2010

James White  
2003 Yacht Mischief  
Newport Beach, CA 92660

**RE: Broadmoor Pacific View PC Text Side Setback Regulations**

Dear Mr. White,

At our meeting on Thursday, November 4, 2010, you requested a formal interpretation of the side setback required by Section IV, Subsection E of the Broadmoor Pacific View Planned Community (PC) text. Specifically, you wanted to know what the minimum side setback is from the side property line opposite the zero side setback property line. Upon further review of the PC text, I have concluded that the side setback could be zero (0) feet, provided a minimum of ten (10) feet is provided between structures. I know this is not the answer that you wanted to hear. However, in regards to side yards, Section IV, Subsection E of the PC text states:

Side Yard

A zero side yard setback between the structure and the lot line shall be permitted on one side provided there are no openings on the zero side yard wall and that a total of ten (10) feet shall be provided between structures.

Development in Broadmoor Pacific View is permitted a 0-foot side setback as long as a minimum of ten (10) feet is maintained between structures. Beyond that, the PC text is silent in regards to side setbacks. Therefore, I do not have the authority to impose additional setback requirements.

Please feel free to contact me at 949-644-3210 or [JCampbell@newportbeachca.gov](mailto:JCampbell@newportbeachca.gov) if you have any questions.

Sincerely,

  
James Campbell  
Acting Planning Director



## EXHIBIT 17



# TRACT NO 9260

24648

IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA.

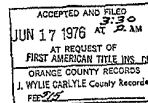
BEING A PORTION OF BLOCKS 92 & 97 OF IRVINE'S SUBDIVISION,  
AS SHOWN ON A MAP RECORDED IN BOOK 1, PAGE 88 OF  
MISCELLANEOUS RECORD MAPS, RECORDS OF ORANGE COUNTY,  
CALIFORNIA.

FEBRUARY, 1976

22.043 ACRES

70 LOTS AND LOTS A-J, INCLUSIVE

WILLIAM J. FROST L.S. 3109



WE, THE UNDERSIGNED, BEING ALL PARTIES HAVING ANY RECORD TITLE INTEREST IN THE LAND COVERED BY THIS MAP, DO HEREBY CONSENT TO THE PREPARATION AND RECORDATION OF SAID MAP, AS SHOWN WITHIN THE COLORED BORDER LINE AND WE HEREBY OFFER FOR DEDICATION TO THE CITY OF NEWPORT BEACH AN EASEMENT IN AND OVER LOTS A, B, C, D, E, F, G, H, I, AND J, AS SHOWN FOR EMERGENCY AND PUBLIC SECURITY INGRESS AND EGRESS AND PUBLIC UTILITY PURPOSES; THE PUBLIC UTILITY EASEMENTS AS SHOWN; THE DOMESTIC WATER DISTRIBUTION SYSTEM AND APPURTENANCES AND THE SEWER COLLECTION SYSTEM AND APPURTENANCES LOCATED WITHIN SAID LETTERED LOTS AND EASEMENTS; ALL VEHICULAR ACCESS RIGHTS TO SAN MIGUEL DRIVE, EXCEPT AT STREET INTERSECTION.

**BROADMOOR HOMES, INC.,**  
a corporation.

*Glenn H. Brengle*  
GLENN H. BRENGLE  
EXECUTIVE VICE PRESIDENT

*S. Reid Gustafson*  
S. REID GUSTAFSON  
VICE PRESIDENT

FIRST AMERICAN TITLE INSURANCE COMPANY,  
A CALIFORNIA CORPORATION, TRUSTEE UNDER DEEDS OF TRUST RECORDED  
IN BOOK 11672, PAGE 1824 OF O.R., AND IN BOOK 11722, PAGE 1633 OF O.R.

*Robert L. Timme*  
ROBERT L. TIMME  
VICE PRESIDENT

*William J. Frost*  
WILLIAM J. FROST  
ASSISTANT SECRETARY

STATE OF CALIFORNIA } S.S.  
COUNTY OF ORANGE }  
ON THIS 3<sup>rd</sup> DAY OF MARCH, 1976, BEFORE ME, *Joan Irvine*  
A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED  
GLENN H. BRENGLE, KNOWN TO ME TO BE THE EXECUTIVE VICE  
PRESIDENT, AND S. REID GUSTAFSON, KNOWN TO ME TO BE THE  
VICE PRESIDENT OF BROADMOOR HOMES, INC., A CORPORATION,  
THE CORPORATION THAT EXECUTED THE WITHIN INSTRUMENT AND KNOWN TO ME  
TO BE THE PERSONS WHO EXECUTED THE WITHIN INSTRUMENT ON BEHALF OF  
THE CORPORATION HEREIN NAMED AND ACKNOWLEDGED TO ME THAT SUCH  
CORPORATION EXECUTED THE SAME.

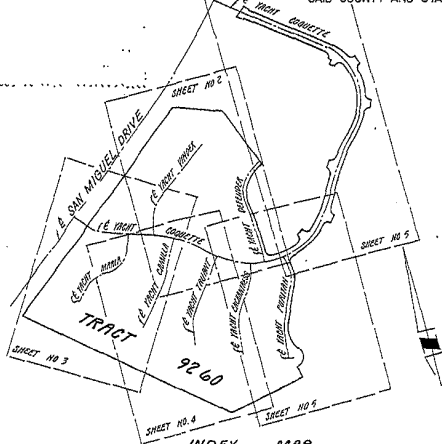
WITNESS MY HAND AND OFFICIAL SEAL:  
MY COMMISSION EXPIRES 8-9-77

*Joan Irvine*  
JOAN IRVINE  
NOTARY PUBLIC IN AND FOR  
SAID COUNTY AND STATE.

STATE OF CALIFORNIA } S.S.  
COUNTY OF ORANGE }  
ON THIS 2<sup>nd</sup> DAY OF MAY, 1976, BEFORE ME, *William H. Baum*  
A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED  
ROBERT L. TIMME, KNOWN TO ME TO BE THE VICE  
PRESIDENT, AND GLENN H. BRENGLE, KNOWN TO ME TO BE THE  
EXECUTIVE VICE PRESIDENT OF FIRST AMERICAN TITLE INSURANCE COMPANY,  
THE CORPORATION THAT EXECUTED THE WITHIN INSTRUMENT AND KNOWN TO ME  
TO BE THE PERSONS WHO EXECUTED THE WITHIN INSTRUMENT ON BEHALF OF  
THE CORPORATION HEREIN NAMED AND ACKNOWLEDGED TO ME THAT SUCH  
CORPORATION EXECUTED THE SAME.

WITNESS MY HAND AND OFFICIAL SEAL:  
MY COMMISSION EXPIRES MAY 14, 1977

*William H. Baum*  
WILLIAM H. BAUM  
NOTARY PUBLIC IN AND FOR  
SAID COUNTY AND STATE.



A SOILS REPORT DATED DECEMBER 2, 1975, WAS PREPARED  
BY ALBERT R. KLEIST, R.C.E. 16351.

I, WILLIAM J. FROST, DO HEREBY CERTIFY THAT I AM LICENSED LAND SURVEYOR  
(NO. 3109) OF THE STATE OF CALIFORNIA, THAT THIS MAP, CONSISTING OF SIX  
(6) SHEETS, AND THE TRUE AND COMPLETE SURVEY MADE IN FEBRUARY, 1976,  
WHICH IT CORRECTLY REPRESENTS WERE BOTH MADE BY ME OR UNDER MY DIRECT-  
ION; THAT THE MONUMENTS ARE OF THE CHARACTER AND OCCURRY THE POSITIONS  
INDICATED, OR WILL BE SET IN SUCH POSITIONS WITHIN NINETY DAYS AFTER  
THE ACCEPTANCE OF IMPROVEMENTS; AND THAT SAID MONUMENTS ARE SUFFICIENT  
TO ENABLE THE SURVEY TO BE RETRACED.

*William J. Frost*  
WILLIAM J. FROST, L.S. 3109

I, BENJAMIN B. NOLAN, CITY ENGINEER OF THE CITY OF NEWPORT BEACH,  
ORANGE COUNTY, CALIFORNIA, DO HEREBY CERTIFY THAT I HAVE EXAMINED THIS MAP  
AND HAVE FOUND IT TO BE SUBSTANTIALLY THE SAME AS THE TENTATIVE MAP AS  
FILED WITH, AMENDED AND APPROVED BY THE CITY PLANNING COMMISSION; THAT  
ALL PROVISIONS OF THE SUBDIVISION MAP ACT AND CITY SUBDIVISION REGULATIONS  
HAVE BEEN COMPLIED WITH, AND I AM SATISFIED SAID MAP IS TECHNICALLY  
CORRECT.

DATED THIS 1<sup>st</sup> DAY OF JUNE, 1976.

*Benjamin B. Nolan*  
BENJAMIN B. NOLAN, CITY ENGINEER R.C.E. 12806

STATE OF CALIFORNIA } S.S.  
COUNTY OF ORANGE }  
I, W.E. ST. JOHN, COUNTY CLERK OF ORANGE COUNTY, DO HEREBY CERTIFY TO THE  
COUNTY RECORDER OF SAID COUNTY THAT THE PROVISIONS OF THE SUBDIVISION  
MAP ACT HAVE BEEN COMPLIED WITH REGARDING DEPOSITS TO SECURE PAYMENT  
OF TAXES OR SPECIAL ASSESSMENTS COLLECTED AS TAXES ON THE LAND COVERED  
BY THIS MAP.

DATED THIS 5<sup>th</sup> DAY OF JUNE, 1976.

W.E. ST. JOHN  
COUNTY CLERK OF ORANGE COUNTY

BY *Liane Keyes*  
LIANE KEYES  
DEPUTY

STATE OF CALIFORNIA } S.S.  
COUNTY OF ORANGE }  
I, DORIS GEORGE, CITY CLERK OF THE CITY OF NEWPORT BEACH,  
DO HEREBY CERTIFY THAT THIS MAP WAS PRESENTED FOR APPROVAL TO THE CITY  
COUNCIL OF SAID CITY AT A REGULAR MEETING THEREOF HELD ON THE 22<sup>nd</sup>  
DAY OF MARCH, 1976, AND THAT THEREUPON SAID COUNCIL DID BY AN ORDER  
DULY PASSED AND ENTERED APPROVE SAID MAP AND DID ACCEPT ON BEHALF OF  
THE CITY OF NEWPORT BEACH AN EASEMENT IN AND OVER LOTS A, B, C, D, E, F, G, H, I, J, FOR  
EMERGENCY AND PUBLIC SECURITY, INGRESS AND EGRESS AND PUBLIC UTILITY PURPOSES;  
PUBLIC UTILITY EASEMENTS; THE DOMESTIC WATER DISTRIBUTION SYSTEM AND  
APPURTENANCES; THE SEWER COLLECTION SYSTEM AND APPURTENANCES; AND ALL VEHICULAR  
ACCESS RIGHTS TO SAN MIGUEL DRIVE, AS DEDICATED; AND DID ALSO APPROVE SAID MAP  
PURSUANT TO SECTION 66436(b)(1) OF THE SUBDIVISION MAP ACT.

DATED THIS 1<sup>st</sup> DAY OF JUNE, 1976.

BY *Doris George*  
DORIS GEORGE  
CITY CLERK

STATE OF CALIFORNIA } S.S.  
COUNTY OF ORANGE }  
I, ROBERT L. CITRON, COUNTY TAX COLLECTOR-TREASURER  
COUNTY, DO HEREBY CERTIFY THAT ACCORDING TO THE RECORDS OF MY OFFICE THERE  
ARE NO LIENS AGAINST THE LAND SHOWN WITHIN THE COLORED BORDER ON THIS  
MAP OR ANY PART THEREOF FOR UNPAID STATE, COUNTY OR CITY TAXES OR SPECIAL  
ASSESSMENTS COLLECTED AS TAXES, EXCEPT TAXES OR SPECIAL ASSESSMENTS  
COLLECTED AS TAXES NOT YET DUE AND PAYABLE.

DATED THIS 2<sup>nd</sup> DAY OF JUNE, 1976.

ROBERT L. CITRON  
COUNTY TAX COLLECTOR-TREASURER

BY *Robert L. Citron*  
ROBERT L. CITRON  
DEPUTY TAX COLLECTOR

EXAMINED AND APPROVED THIS 16<sup>th</sup> DAY OF JUNE, 1976.

C.R. NELSON  
COUNTY SURVEYOR

BY *Robert L. Citron*  
ROBERT L. CITRON  
DEPUTY

EXAMINED AND APPROVED BY THE PLANNING COMMISSION OF THE CITY OF  
NEWPORT BEACH THIS 4<sup>th</sup> DAY OF MARCH, 1976.

BY *Richard V. Hogan*  
RICHARD V. HOGAN  
EX-OFFICIO SECRETARY

## SIGNATURE OMISSIONS NOTE

PURSUANT TO THE PROVISIONS OF SECTION 66436(b)(1) OF THE SUBDIVISION  
MAP ACT, THE FOLLOWING SIGNATURES HAVE BEEN OMITTED. THE IRVINE  
COMPANY, HOLDER OF AN AIRSPACE EASEMENT BY DEED RECORDED IN BOOK  
9756, PAGE 527 OF O.R.; AND THE METROPOLITAN WATER DISTRICT OF SOUTHERN  
CALIFORNIA, OWNER OF RIGHT OF WAY FOR EXISTING ROADS BY DEEDS RECORDED  
IN BK. 1211, PG. 317 OF O.R. AND IN BK. 2402, PG. 469 OF O.R.

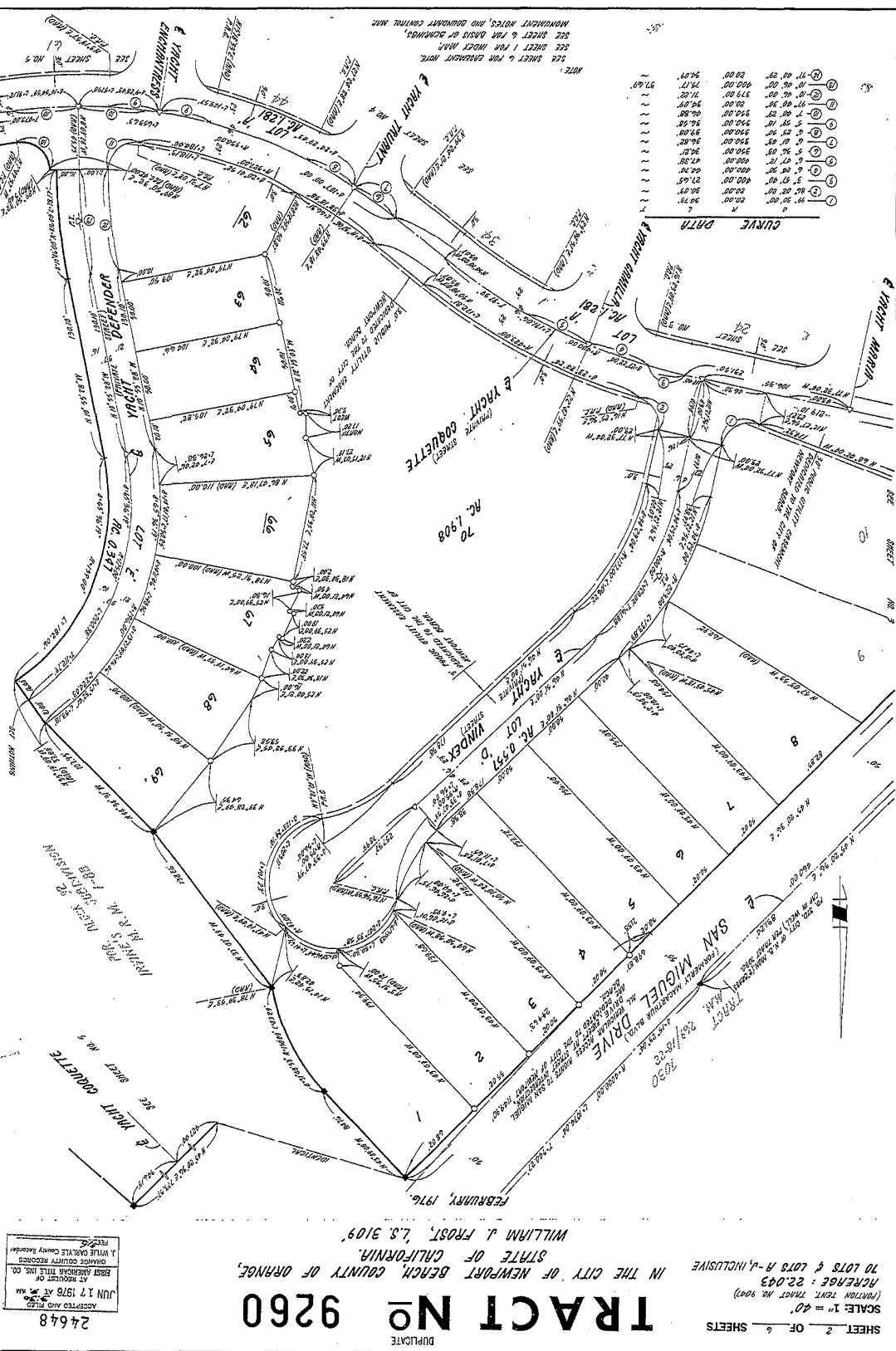
SEE SHEET 6 FOR BASIS OF BEARINGS, MONUMENT NOTES, BOUNDARY CONTROL  
MAP AND EASEMENT NOTE.

378-32

378 32

CASTLE CORP. INC. CA  
 TR-9260  
 2 of 6

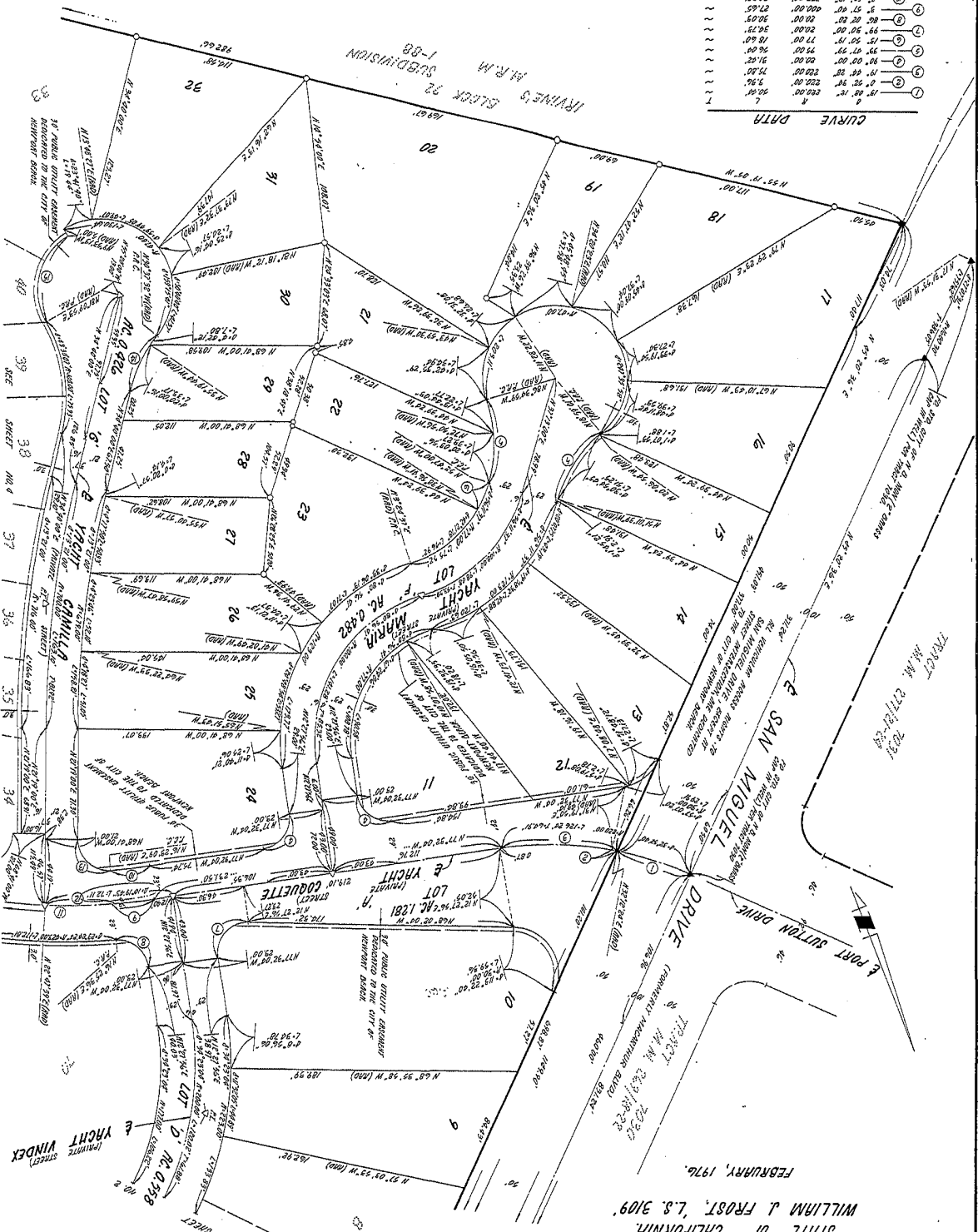
378-33  
 878-33



24648  
 JUN 17 1976  
 AT REQUEST OF  
 BEACH RECORDS  
 J. WHITE KAYE COUNTY RECORDER

826

NOTE:  
SEE SHEET 1 FOR EASEMENT NOTE  
SEE SHEET 6 FOR BASIS OF ADJACENT  
MONUMENT NOTES, AND BOUNDARY  
CONTROL MARK



CURVE DATA	
1	10.00
2	10.00
3	10.00
4	10.00
5	10.00
6	10.00
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33	10.00
34	10.00
35	10.00
36	10.00
37	10.00
38	10.00
39	10.00
40	10.00

378-34

24648  
JUN 17 1976  
AT REQUEST OF  
FIRST AMERICAN TITLE INS. CO.  
ORANGE COUNTY RECORDS  
J. WILE ORANGE COUNTY Recorder  
PERCEC

TRACT No 9260

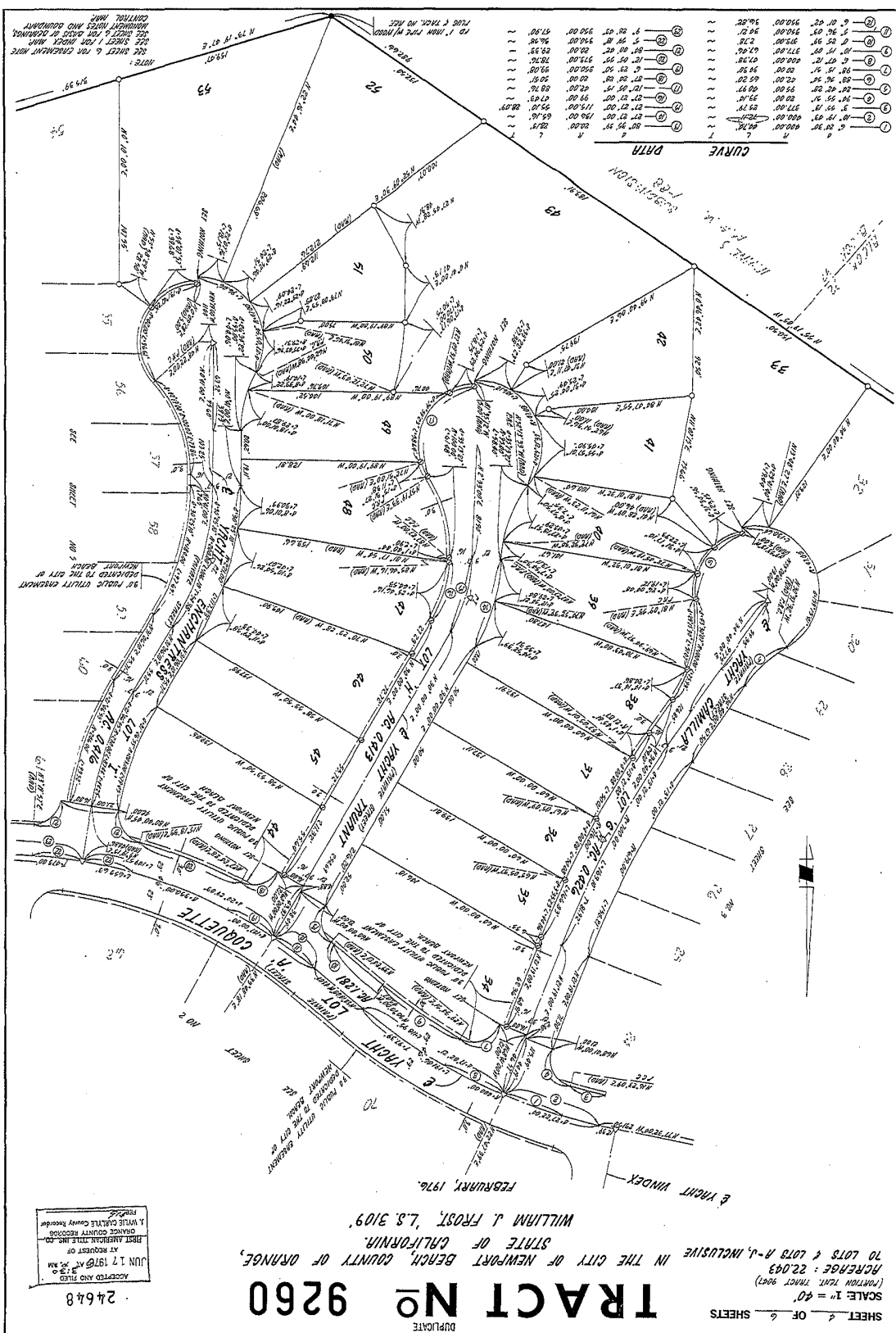
SHEET 3 OF 6 SHEETS

IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE,  
STATE OF CALIFORNIA,  
WILLIAM J. FROST, L.S. 3109,  
FEBRUARY, 1976.

378-35

4 of 6  
TR 9260

378-35



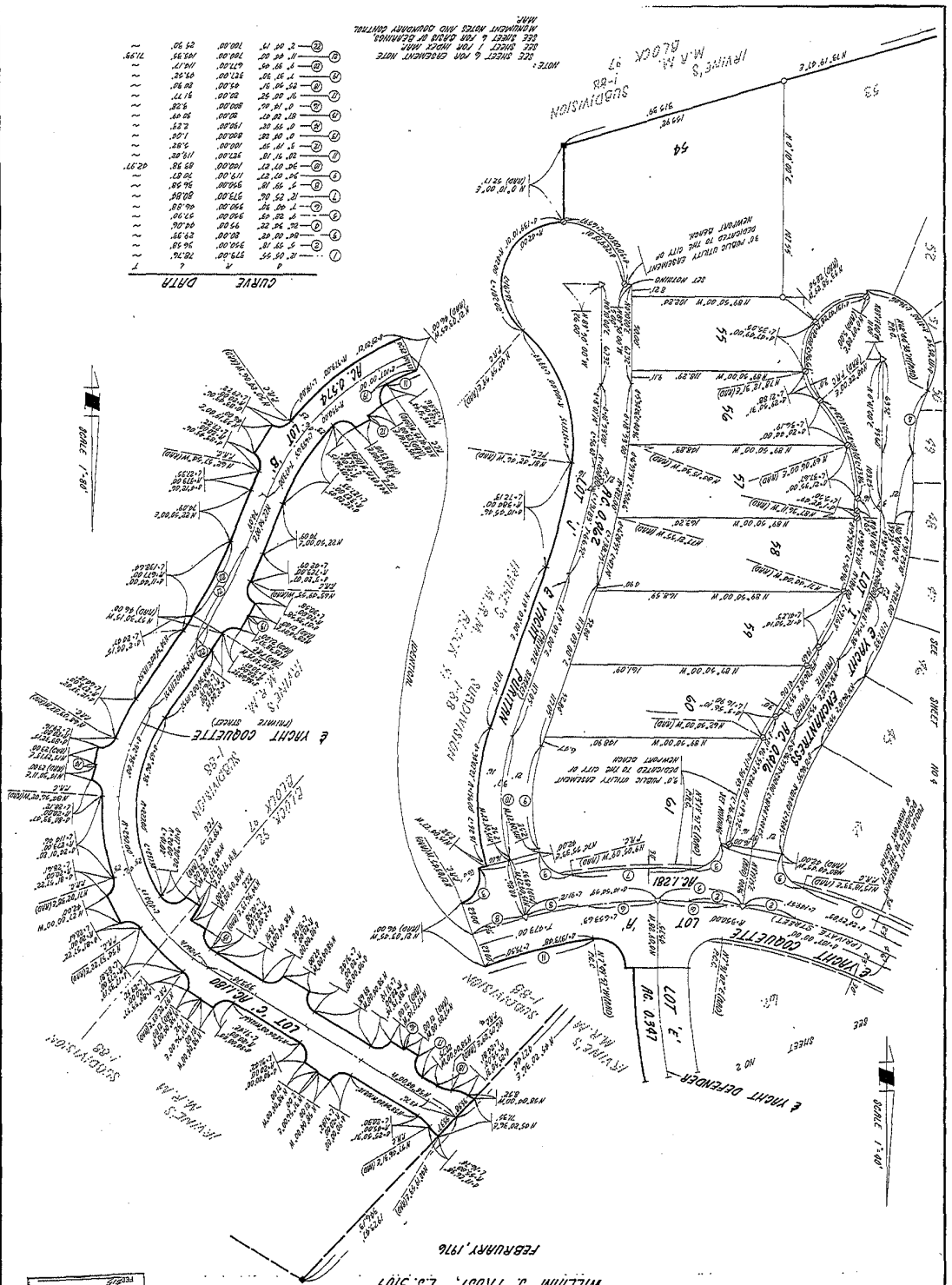
ACCEPTED AND FILED  
JUN 17 1976  
AT REQUEST OF  
FIRST LANSING COUNTY RECORDS  
1. WHITE COUNTY COUNTY RECORDER  
FILED

TRACT No 9260  
IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE,  
STATE OF CALIFORNIA  
WILLIAM J. FROST, L.S. 3109  
FEBRUARY 1976  
SCALE: 1" = 40'  
ACREAGE: 22.043  
70 LOTS & LOTS 1-4, INCLUSIVE  
SHEET 4 OF 6 SHEETS

# TRACT No 9260

TO LOTS 4 & LOTS 5-1, INCLUSIVE  
 IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE,  
 STATE OF CALIFORNIA,  
 WILLIAM J. FROST, L.S. 3109,  
 FEBRUARY, 1976

24648  
 JUN 17 1976  
 ACCEPTED AND FILED  
 COUNTY CLERK  
 ORANGE COUNTY, CALIFORNIA



NOTE: SEE SHEET 6 FOR EASEMENT NOTES  
 SEE SHEET 1 FOR EASEMENT NOTES  
 SEE SHEET 1 FOR EASEMENT NOTES  
 SEE SHEET 1 FOR EASEMENT NOTES

CURVE	DATA
1	100.00
2	100.00
3	100.00
4	100.00
5	100.00
6	100.00
7	100.00
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54	100.00
55	100.00
56	100.00
57	100.00
58	100.00
59	100.00
60	100.00
61	100.00

5-6  
 R-9260

378-310

878 3

SHEET 6 OF 6 SHEETS

(PORTION FROM TRACT 1001)

ACREAGE: 22.043

TO LOTS 8 & LOTS A-J, INCLUSIVE IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA.

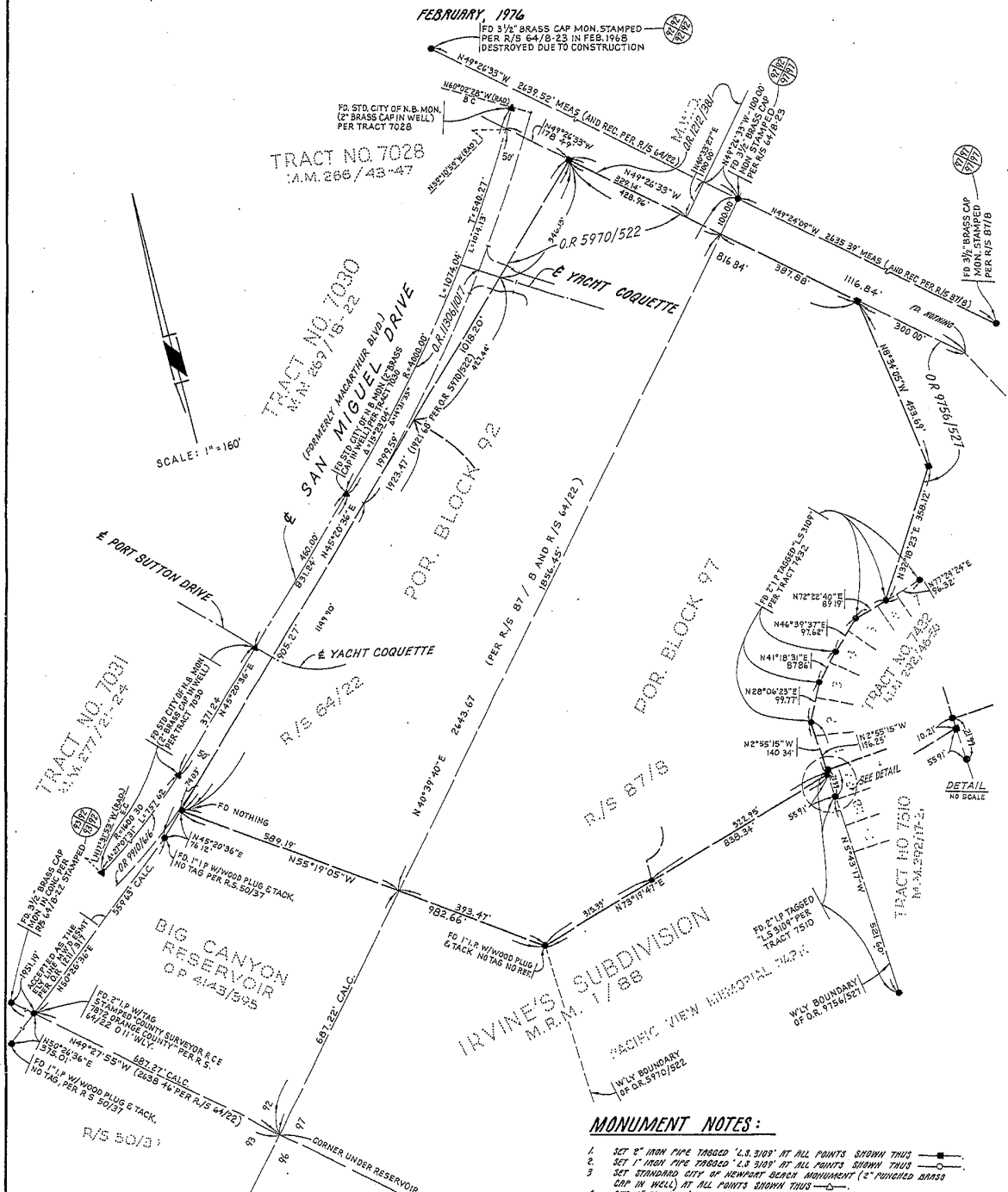
# TRACT NO 9260

DUPLICATE

24648

ACCEPTED AND FILED  
JUN 17 1976  
AT  
REQUEST OF  
FIRST AMERICAN TITLE INS. CO.  
ORANGE COUNTY RECORDS  
J. WYLLIE CARLILE County Recorder  
REC-242

BOUNDARY CONTROL MAP  
WILLIAM J. FROST, L.S. 3109



NOTE: SEE SHEET 1 FOR INDEX MAP.

## BASIS OF BEARINGS

THE BEARING OF N45°20'36"E ON THE S. & OF SAN MIGUEL DRIVE (FORMERLY MACARTHUR BOULEVARD) AS SHOWN ON TRACT NO. 7030, RECORDED IN BOOK 269, PAGES 18 THRU 22 OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA, WAS TAKEN AS THE BASIS OF BEARINGS FOR THIS MAP.

## MONUMENT NOTES:

1. SET 6" IRON PIPE TAGGED "L.S. 3109" AT ALL POINTS SHOWN THUS
2. SET 1" IRON PIPE TAGGED "L.S. 3109" AT ALL POINTS SHOWN THUS
3. SET STANDARD CITY OF NEWPORT BEACH MONUMENT (2" PUNCHED BARS) CORNERS IN WELLS AT ALL POINTS SHOWN THUS
4. SET 6" SPINE W/BRASS WHEELER STRAPPED "L.S. 3109" IN THE FINISHED SURFACE AT ALL CENTERLINE POINTS OF CONTROL, UNLESS OTHERWISE NOTED.
5. SET LEAD & TRAIL TAGGED "L.S. 3109" IN THE CURB AT ALL POINTS SHOWN THUS
6. UNLESS OTHERWISE NOTED ABOVE, NUMBERED LOT CORNERS WHICH ADJUT A STREET WILL BE MARKED WITH A LEAD & TRAIL TAGGED "L.S. 3109" IN THE CURB OR SIDEWALK ON A 4.75' OFFSET BY PRODUCING THE SIDE LOT LINES AND BY PRODUCING THE RADIAL LINES FOR ALL OTHER SAID LOT CORNERS.
7. FOUND EXISTING MONUMENT AT ALL POINTS SHOWN THUS
8. CHARACTER AND REFERENCE AS NOTED.

CONVEYANCE IN AND OPEN LOTS A THRU J FOR EMERGENCY AND PUBLIC SECURITY PURPOSES AND PUBLIC UTILITY PURPOSES DEDICATED TO THE CITY OF NEWPORT BEACH.

378-37

378

J.N. 16791

## EXHIBIT 18



SHEET 1 OF 4 SHEETS  
(FINAL UNIT OF TENT. TRACT NO. 9047)

# TRACT NO 9047

29125

IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA.

BEING A PORTION OF BLOCKS 92 & 97 OF IRVINE'S SUBDIVISION, AS SHOWN ON A MAP RECORDED BOOK 1, PAGE 88 OF MISCELLANEOUS RECORD MAPS, AND LOT C AS SHOWN ON A MAP OF TRACT NO. 9260, RECORDED IN BOOK 378, PAGES 32 THROUGH 37 OF MISCELLANEOUS MAPS, BOTH RECORDS OF ORANGE COUNTY, CALIFORNIA

FEBRUARY, 1976

16.129 ACRES

52 LOTS &amp; LOTS A-H INCLUSIVE

WILLIAM J. FROST "L.S. 3109"  
RAUB · BEIN · FROST & ASSOCIATES

WE, THE UNDERSIGNED, BEING ALL PARTIES HAVING ANY RECORD TITLE INTEREST IN THE LAND COVERED BY THIS MAP, DO HEREBY CONSENT TO THE PREPARATION AND RECORDED OF SAID MAP, AS SHOWN WITHIN THE COLORED BORDER LINE AND WE HEREBY OFFER FOR DEDICATION TO THE CITY OF NEWPORT BEACH AN EASEMENT IN AND OVER LOTS A, B, C, D, E, F, G, & H AS SHOWN FOR EMERGENCY AND PUBLIC SECURITY INGRESS AND EGRESS AND PUBLIC UTILITY PURPOSES, THE PUBLIC UTILITY EASEMENTS AS SHOWN; THE DOMESTIC WATER DISTRIBUTION SYSTEM AND APPURTENANCES AND THE SEWER COLLECTION SYSTEM AND APPURTENANCES LOCATED WITHIN SAID LETTERED LOTS AND EASEMENTS.

**BROADMOOR HOMES INC.,**  
a corporation.

ROLAND F. OSGOOD  
EXECUTIVE VICE PRESIDENT

S. REID GUSTAFSON  
VICE PRESIDENT



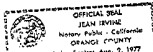
**FIRST AMERICAN TITLE INSURANCE COMPANY,**  
A CALIFORNIA CORPORATION; TRUSTEE UNDER DEEDS OF TRUST RECORDED IN BOOK 11672, PAGE 1824 OF O.R. AND IN BOOK 11722, PAGE 1633 OF O.R.

Robert S. Timme  
VICE PRESIDENT

Barbara Smith  
ASSISTANT SECRETARY

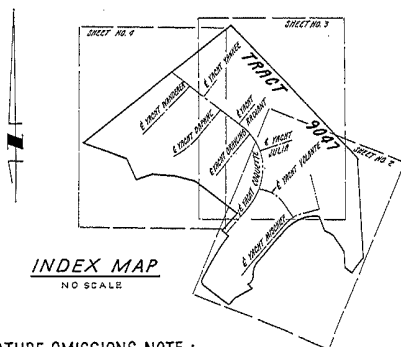
STATE OF CALIFORNIA } S.S.  
COUNTY OF ORANGE }  
ON THIS 6th DAY OF APRIL, 1976, BEFORE ME, JEAN IRVINE,  
A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED  
ROLAND F. OSGOOD, KNOWN TO ME TO BE THE EXECUTIVE VICE  
PRESIDENT, AND S. REID GUSTAFSON, KNOWN TO ME TO BE THE  
VICE PRESIDENT OF BROADMOOR HOMES, INC., A CORPORATION,  
THE CORPORATION THAT EXECUTED THE WITHIN INSTRUMENT AND KNOWN TO ME  
TO BE THE PERSONS WHO EXECUTED THE WITHIN INSTRUMENT ON BEHALF OF  
THE CORPORATION HEREIN NAMED AND ACKNOWLEDGED TO ME THAT SUCH  
CORPORATION EXECUTED THE SAME.

WITNESS MY HAND AND OFFICIAL SEAL: Jean Irvine  
MY COMMISSION EXPIRES 2-9-77  
NOTARY PUBLIC IN AND FOR  
SAID COUNTY AND STATE.



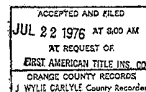
STATE OF CALIFORNIA } S.S.  
COUNTY OF ORANGE }  
ON THIS 15th DAY OF MAY, 1976, BEFORE ME, WILLIAM H. BAUNS,  
A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED  
ROBERT S. TIMME, KNOWN TO ME TO BE THE VICE  
PRESIDENT, AND VERA SMITH, KNOWN TO ME TO BE THE  
ASSISTANT SECRETARY OF FIRST AMERICAN TITLE INSURANCE COMPANY,  
THE CORPORATION THAT EXECUTED THE WITHIN INSTRUMENT AND KNOWN TO ME  
TO BE THE PERSONS WHO EXECUTED THE WITHIN INSTRUMENT ON BEHALF OF  
THE CORPORATION HEREIN NAMED AND ACKNOWLEDGED TO ME THAT SUCH  
CORPORATION EXECUTED THE SAME.

WITNESS MY HAND AND OFFICIAL SEAL: William H. Bauns  
MY COMMISSION EXPIRES MAY 24, 1977  
NOTARY PUBLIC IN AND FOR  
SAID COUNTY AND STATE.



**SIGNATURE OMISSIONS NOTE :**  
PURSUANT TO THE PROVISIONS OF SECTION 66436(b) OF THE SUBDIVISION MAP ACT THE FOLLOWING  
SIGNATURES HAVE BEEN OMITTED: THE METROPOLITAN WATER DISTRICT OF  
SOUTHERN CALIFORNIA, OWNER OF RIGHT OF WAY FOR EXISTING ROADS BY DEEDS RECORDED IN BK 1211,  
PG. 517 OF O.R., AND IN BK. 2402, PG. 459 OF O.R.

A SOILS REPORT DATED DECEMBER 2, 1975 WAS PREPARED BY ALBERT R. KLEIST, R.C.E. 16351.



\$11.00

I, WILLIAM J. FROST, DO HEREBY CERTIFY THAT I AM LICENSED LAND SURVEYOR (NO. 3109) OF THE STATE OF CALIFORNIA, THAT THIS MAP, CONSISTING OF FOUR (4) SHEETS, AND THE TRUE AND COMPLETE SURVEY MADE IN FEBRUARY, 1976, WHICH IT CORRECTLY REPRESENTS WERE BOTH MADE BY ME OR UNDER MY DIRECTION; THAT THE MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED, OR WILL BE SET IN SUCH POSITIONS WITHIN NINETY DAYS AFTER THE ACCEPTANCE OF IMPROVEMENTS; AND THAT SAID MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

William J. Frost  
WILLIAM J. FROST, L.S. 3109

I, BENJAMIN B. NOLAN, CITY ENGINEER OF THE CITY OF NEWPORT BEACH, ORANGE COUNTY, CALIFORNIA, DO HEREBY CERTIFY THAT I HAVE EXAMINED THIS MAP AND HAVE FOUND IT TO BE SUBSTANTIALLY THE SAME AS THE TENTATIVE MAP AS FILED WITH, AMENDED AND APPROVED BY THE CITY PLANNING COMMISSION; THAT ALL PROVISIONS OF THE SUBDIVISION MAP ACT AND CITY SUBDIVISION REGULATIONS HAVE BEEN COMPLIED WITH, AND I AM SATISFIED SAID MAP IS TECHNICALLY CORRECT.

DATED THIS 18th DAY OF JULY, 1976.

Benjamin B. Nolan  
BENJAMIN B. NOLAN, CITY ENGINEER R.C.E. 12806

STATE OF CALIFORNIA } S.S.  
COUNTY OF ORANGE }

I, W.E. ST. JOHN, COUNTY CLERK OF ORANGE COUNTY, DO HEREBY CERTIFY TO THE COUNTY RECORDER OF SAID COUNTY THAT THE PROVISIONS OF THE SUBDIVISION MAP ACT HAVE BEEN COMPLIED WITH REGARDING DEPOSITS TO SECURE PAYMENT OF TAXES OR SPECIAL ASSESSMENTS COLLECTED AS TAXES ON THE LAND COVERED BY THIS MAP.

DATED THIS 30th DAY OF JULY, 1976.

W.E. ST. JOHN  
COUNTY CLERK OF ORANGE COUNTY

By: Deana Kaye  
DEPUTY

STATE OF CALIFORNIA } S.S.  
COUNTY OF ORANGE }  
CITY OF NEWPORT BEACH }

I, DORIS GEORGE, CITY CLERK OF THE CITY OF NEWPORT BEACH, DO HEREBY CERTIFY THAT THIS MAP WAS PRESENTED FOR APPROVAL TO THE CITY COUNCIL OF SAID CITY AT A REGULAR MEETING THEREOF HELD ON THE 10th DAY OF MAY, 1976, AND THAT THEREUPON SAID COUNCIL DID BY AN ORDER DULY PASSED AND ENTERED APPROVE SAID MAP AND DID ACCEPT ON THE BEHALF OF THE CITY OF NEWPORT BEACH AN EASEMENT IN AND OVER LOTS A, B, C, D, E, F, G, & H FOR EMERGENCY AND PUBLIC SECURITY INGRESS AND EGRESS AND PUBLIC UTILITY PURPOSES; THE PUBLIC UTILITY EASEMENTS; THE DOMESTIC WATER DISTRIBUTION SYSTEM AND APPURTENANCES AND THE SEWER COLLECTION SYSTEM AND APPURTENANCES, AS DEDICATED; AND DID ALSO APPROVE SAID MAP PURSUANT TO THE PROVISIONS OF SECTION 66436(b)(1) OF THE SUBDIVISION MAP ACT.

DATED THIS 10th DAY OF MAY, 1976. BY: Doris George  
CITY CLERK

STATE OF CALIFORNIA } S.S.  
COUNTY OF ORANGE }

I, ROBERT L. CITRON, COUNTY TAX COLLECTOR - TREASURER OF ORANGE COUNTY, DO HEREBY CERTIFY THAT ACCORDING TO THE RECORDS OF MY OFFICE THERE ARE NO LIENS AGAINST THE LAND SHOWN WITHIN THE COLORED BORDER ON THIS MAP OR ANY PART THEREOF FOR UNPAID STATE, COUNTY OR CITY TAXES OR SPECIAL ASSESSMENTS COLLECTED AS TAXES, EXCEPT TAXES OR SPECIAL ASSESSMENTS COLLECTED AS TAXES NOT YET DUE AND PAYABLE.

DATED THIS 13th DAY OF JULY, 1976.

ROBERT L. CITRON  
COUNTY TAX COLLECTOR -  
TREASURER

By: Shekhar  
DEPUTY TAX COLLECTOR

EXAMINED AND APPROVED THIS 21st DAY OF JULY, 1976.

C.R. NELSON  
COUNTY SURVEYOR

By: W. H. Nelson  
DEPUTY

EXAMINED AND APPROVED BY THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH THIS 15th DAY OF APRIL, 1976.

By: Richard W. Hogan  
RICHARD W. HOGAN  
EX-OFFICIO SECRETARY

## MONUMENT NOTES:

1. SET 1" IRON PIPE TAGGED "L.S. 3109" AT ALL POINTS SHOWN THUS —
2. SET LEAD AND TACK TAGGED "L.S. 3109" AT ALL POINTS SHOWN THUS —
3. SET STANDARD CITY OF NEWPORT BEACH MONUMENT (2" BRASS CAP IN WELL) AT ALL POINTS SHOWN THUS —
4. SET SPIKE W/ BRASS WASHER STAMPED "L.S. 3109" IN THE FINISHED SURFACE AT ALL CENTERLINE POINTS OF CONTROL, UNLESS OTHERWISE NOTED.
5. UNLESS OTHERWISE NOTED ABOVE, NUMBERED LOT CORNERS WHICH ABUT A STREET WILL BE MARKED WITH A LEAD AND TACK TAGGED "L.S. 3109" IN THE CURB OR SIDEWALK ON A 4.75' OFFSET BY PRODUCING THE SIDE LOT LINES AND BY PRODUCING THE RADIAL LINES FOR ALL OTHER SAID LOT CORNERS.
6. 2" IRON PIPE TAGGED "L.S. 3109" TO BE SET PER TRACT 9260 AT ALL POINTS SHOWN THUS —
7. 2" IRON PIPE TAGGED "L.S. 3109" TO BE SET PER TRACT 9261 AT ALL POINTS SHOWN THUS —
8. LEAD AND TACK TAGGED "L.S. 3109" TO BE SET PER TRACT 9261 AT ALL POINTS SHOWN THUS —

SEE SHEET 2 FOR BASIS OF BEARINGS.



SHEET 3 OF 4 SHEETS

SCALE: 1" = 40'

(FINAL UNIT OF TENT. TR. 9047)

ACREAGE: 16.129

52 LOTS &amp; LOTS A-H, INCLUSIVE

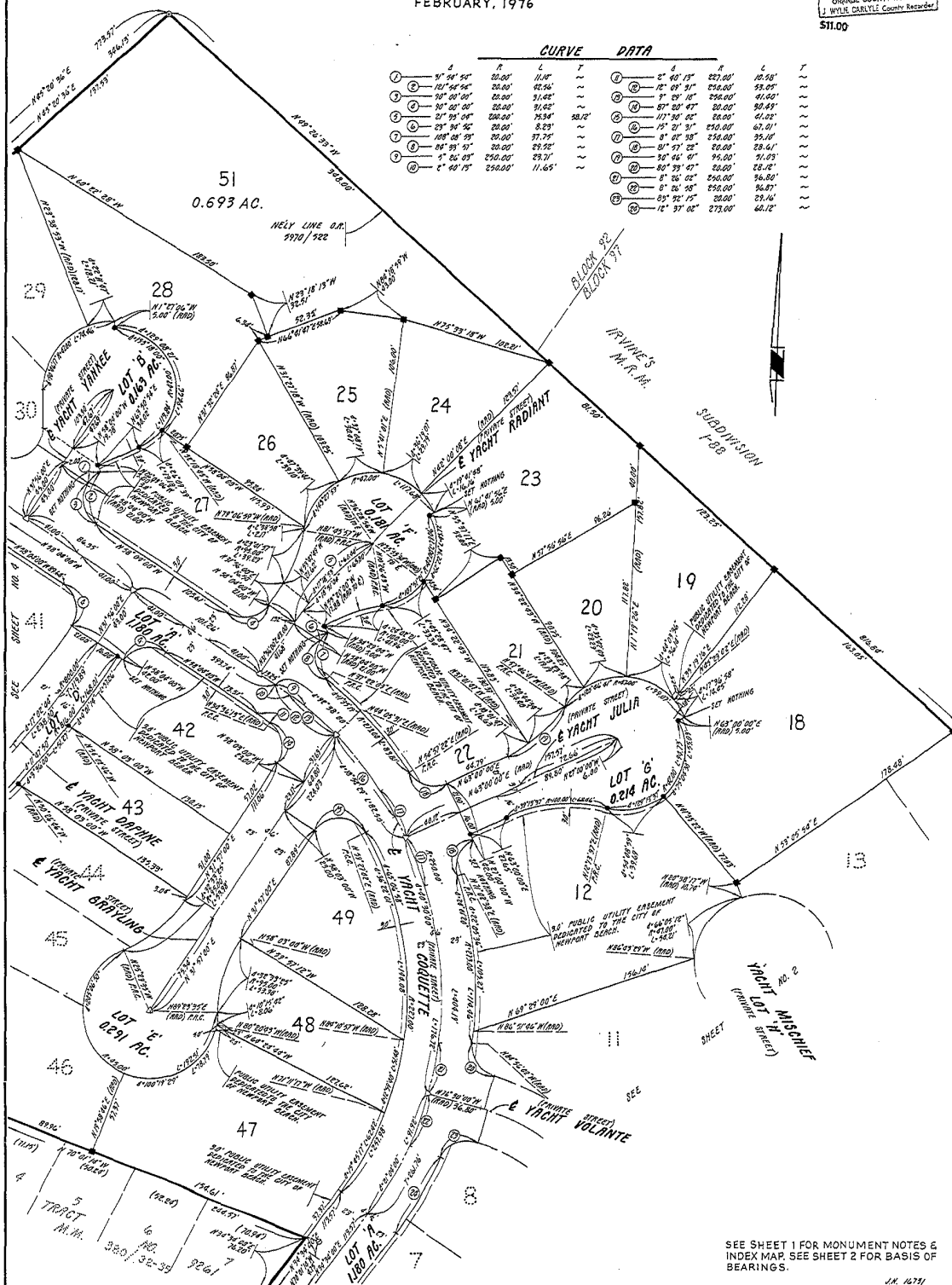
DUPLICATE

## TRACT No 9047

IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA.

WILLIAM J. FROST, "L.S. 3109"  
RAUB • BEIN • FROST & ASSOCIATES  
FEBRUARY, 1976

29125

ACCEPTED AND FILED  
JUL 22 1976 AT 8:00 AM  
AT REQUEST OF  
FIRST AMERICAN TITLE INS. CO.  
ORANGE COUNTY RECORDS  
J. WYLLIE CARLISLE County Recorder  
\$11.00SEE SHEET 1 FOR MONUMENT NOTES &  
INDEX MAP. SEE SHEET 2 FOR BASIS OF  
BEARINGS.

J.W. 10731

SHEET 4 OF 4 SHEETS

SCALE: 1" = 40'

(FINAL UNIT OF TENT. TR. 9047)

ACREAGE: 16.129

52 LOTS & LOTS A-M. INCLUSIVE

DUPLICATE

TRACT N<sup>o</sup> 9047

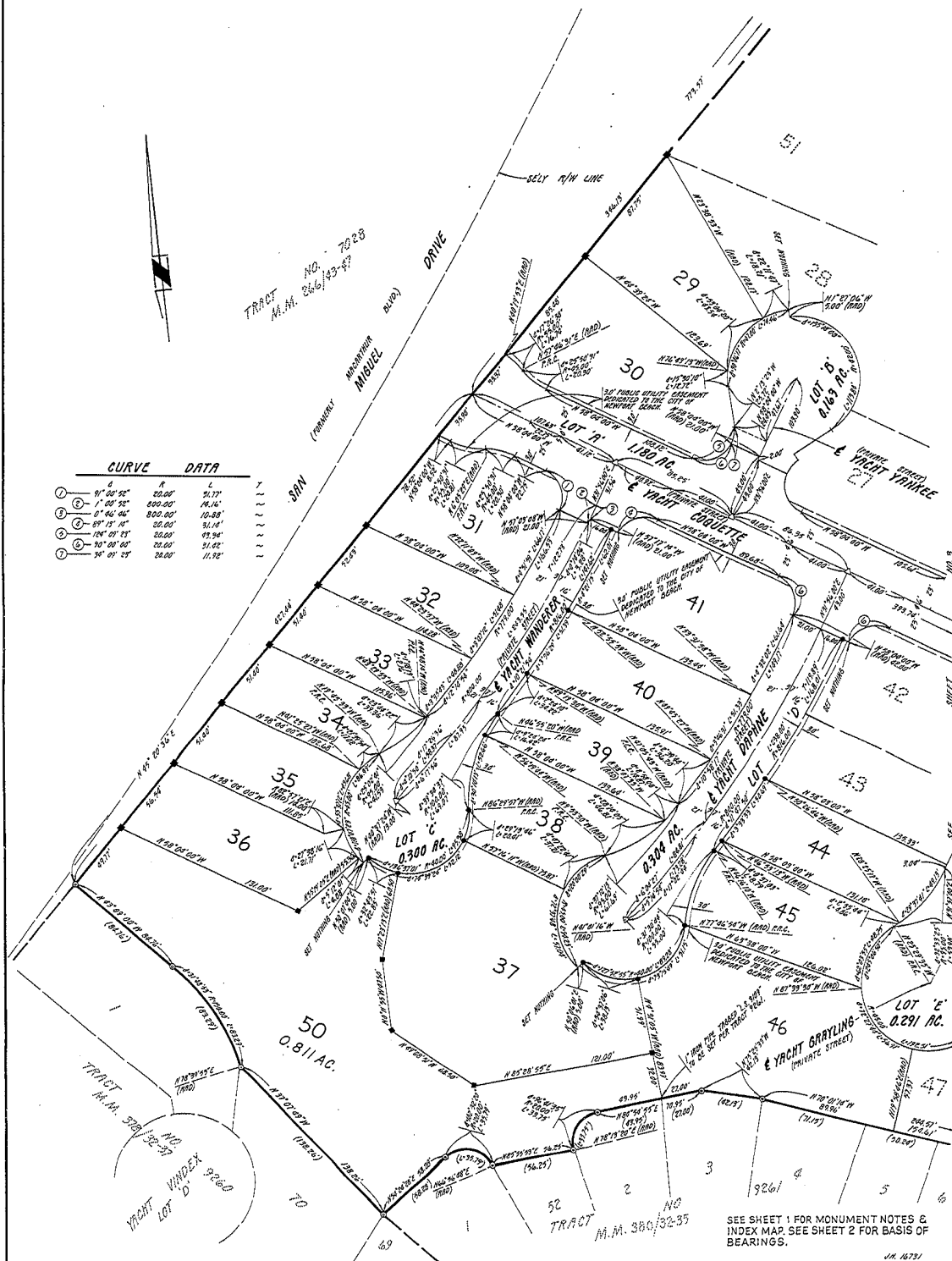
IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA.

WILLIAM J. FROST, "L.S. 3109"  
RAUB • BEIN • FROST & ASSOCIATES  
FEBRUARY, 1976

29125

ACCEPTED AND FILED  
JUL 22 1976 AT 8:00 AM  
AT REQUEST OF  
FIRST AMERICAN TITLE INS. CO.  
ORANGE COUNTY RECORDS  
J. WYLIE CARLYLE County Records  
\$11.00

	CURVE	DATA	
1	$\Delta$	$R$	$L$
1	$91^{\circ} 00' 58''$	$20.00'$	$2.77'$
2	$1^{\circ} 00' 58''$	$800.00'$	$14.16'$
3	$0^{\circ} 46' 46''$	$800.00'$	$10.88'$
4	$69^{\circ} 15' 14''$	$20.00'$	$31.14'$
5	$124^{\circ} 09' 23''$	$20.00'$	$93.94'$
6	$30^{\circ} 08' 00''$	$20.00'$	$31.62'$
7	$76^{\circ} 09' 23''$	$20.00'$	$11.52'$



SEE SHEET 1 FOR MONUMENT NOTES &  
INDEX MAP. SEE SHEET 2 FOR BASIS OF  
BEARINGS.

LA 16734

380 39

## EXHIBIT 19



# TRACT NO 9261

IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA.

BEING A PORTION OF BLOCKS 32 & 37 OF IRVINE'S SUBDIVISION, AS SHOWN ON A MAP RECORDED IN BOOK 1, PAGE 89 OF MISCELLANEOUS RECORD MAPS, AND LOT 'B' AS SHOWN ON A MAP OF TRACT NO. 9261, RECORDED IN BOOK 378, PAGES 32 THROUGH 37 OF MISCELLANEOUS MAPS, BOTH RECORDS OF ORANGE COUNTY, CALIFORNIA.

FEBRUARY, 1976.

13.583 ACRES

52 LOTS AND LOTS A-F INCLUSIVE

WILLIAM J. FROST L.S. 3109  
RAUB BEIN FROST & ASSOCIATES

WE, THE UNDERSIGNED, BEING ALL PARTIES HAVING ANY RECORD TITLE INTEREST IN THE LAND COVERED BY THIS MAP, DO HEREBY CONSENT TO THE PREPARATION AND RECORDED OF SAID MAP, AS SHOWN WITHIN THE COLORED BORDER LINE AND WE HEREBY OFFER FOR DEDICATION TO THE CITY OF NEWPORT BEACH AN EASEMENT IN AND OVER LOTS A, B, C, D, E & F AS SHOWN FOR EMERGENCY AND PUBLIC SECURITY INGRESS AND EGRESS AND PUBLIC UTILITY PURPOSES; THE PUBLIC UTILITY EASEMENTS AS SHOWN, THE DOMESTIC WATER DISTRIBUTION SYSTEM AND APPURTENANCES AND THE SEWER COLLECTION SYSTEM AND APPURTENANCES LOCATED WITHIN SAID LETTERED LOTS AND EASEMENTS.

**BROADMOOR HOMES INC.,**  
a corporation.

GLENN H. GRENGLE  
EXECUTIVE VICE PRESIDENT

S. REID GUSTAFSON  
VICE PRESIDENT

I, WILLIAM J. FROST, DO HEREBY CERTIFY THAT I AM LICENSED LAND SURVEYOR (NO. 3109) OF THE STATE OF CALIFORNIA; THAT THIS MAP, CONSISTING OF FOUR (4) SHEETS, AND THE TRUE AND COMPLETE SURVEY MADE IN FEBRUARY, 1976, WHICH IT CORRECTLY REPRESENTS, WERE BOTH MADE BY ME OR UNDER MY DIRECTION; THAT THE MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED, OR WILL BE SET IN SUCH POSITIONS WITHIN NINETY DAYS AFTER THE ACCEPTANCE OF IMPROVEMENTS; AND THAT SAID MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

WILLIAM J. FROST, L.S. 3109

I, BENJAMIN B. NOLAN, CITY ENGINEER OF THE CITY OF NEWPORT BEACH, ORANGE COUNTY, CALIFORNIA, DO HEREBY CERTIFY THAT I HAVE EXAMINED THIS MAP AND HAVE FOUND IT TO BE SUBSTANTIALLY THE SAME AS THE TENTATIVE MAP AS FILED WITH, AMENDED AND APPROVED BY THE CITY PLANNING COMMISSION; THAT ALL PROVISIONS OF THE SUBDIVISION MAP ACT AND CITY SUBDIVISION REGULATIONS HAVE BEEN COMPLIED WITH, AND I AM SATISFIED SAID MAP IS TECHNICALLY CORRECT.

DATED THIS 12th DAY OF JULY, 1976.

BENJAMIN B. NOLAN, CITY ENGINEER R.C.E. 12806

## FIRST AMERICAN TITLE INSURANCE COMPANY,

A CALIFORNIA CORPORATION, TRUSTEE UNDER DEEDS OF TRUST RECORDED IN BOOK 11672, PAGE 1824 OF OR AND IN BOOK 11722, PAGE 1453 OF OR

VICE PRESIDENT

ASSISTANT SECRETARY

STATE OF CALIFORNIA } ss  
COUNTY OF ORANGE }

I, W.E. ST. JOHN, COUNTY CLERK OF ORANGE COUNTY, DO HEREBY CERTIFY TO THE COUNTY RECORDER OF SAID COUNTY THAT THE PROVISIONS OF THE SUBDIVISION MAP ACT HAVE BEEN COMPLIED WITH REGARDING DEPOSITS TO SECURE PAYMENT OF TAXES OR SPECIAL ASSESSMENTS COLLECTED AS TAXES ON THE LAND COVERED BY THIS MAP.

DATED THIS 20th DAY OF JULY, 1976.

W.E. ST. JOHN  
COUNTY CLERK OF ORANGE COUNTY

DEPUTY

STATE OF CALIFORNIA } ss  
COUNTY OF ORANGE }

I, DORIS GEORGE, CITY CLERK OF THE CITY OF NEWPORT BEACH, DO HEREBY CERTIFY THAT THIS MAP WAS PRESENTED FOR APPROVAL TO THE CITY COUNCIL OF SAID CITY AT A REGULAR MEETING THEREOF HELD ON THE 22nd DAY OF MARCH, 1976, AND THAT THEREUPON SAID COUNCIL, DID BY AN ORDER DULY PASSED AND ENTERED APPROVE SAID MAP AND DID ACCEPT ON BEHALF OF THE CITY OF NEWPORT BEACH AN EASEMENT IN AND OVER LOTS A, B, C, D, E & F FOR EMERGENCY AND PUBLIC SECURITY INGRESS AND EGRESS AND PUBLIC UTILITY PURPOSES, THE PUBLIC UTILITY EASEMENTS, THE DOMESTIC WATER DISTRIBUTION SYSTEM AND APPURTENANCES AND THE SEWER COLLECTION SYSTEM AND APPURTENANCES AS DEDICATED; AND DID ALSO APPROVE SAID MAP PURSUANT TO SECTION 66436(b)(1) OF THE SUBDIVISION MAP ACT.

DATED THIS 16th DAY OF JULY, 1976. BY [Signature] CITY CLERK

STATE OF CALIFORNIA } ss  
COUNTY OF ORANGE }

I, ROBERT L. CITRON, COUNTY TAX COLLECTOR - TREASURER OF ORANGE COUNTY, DO HEREBY CERTIFY THAT ACCORDING TO THE RECORDS OF MY OFFICE THERE ARE NO LIENS AGAINST THE LAND SHOWN WITHIN THE COLORED BORDER ON THIS MAP OR ANY PART THEREOF FOR UNPAID STATE COUNTY OR CITY TAXES OR SPECIAL ASSESSMENTS COLLECTED AS TAXES, EXCEPT TAXES OR SPECIAL ASSESSMENTS COLLECTED AS TAXES NOT YET DUE AND PAYABLE.

DATED THIS 12th DAY OF JULY, 1976.

ROBERT L. CITRON  
COUNTY TAX COLLECTOR - TREASURER

DEPUTY TAX COLLECTOR

WITNESS MY HAND AND OFFICIAL SEAL:

MY COMMISSION EXPIRES 2-2-77

NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE.

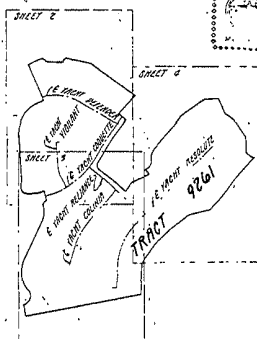
STATE OF CALIFORNIA } ss  
COUNTY OF ORANGE }

ON THIS 4th DAY OF MAY, 1976, BEFORE ME, WILLIAM J. BAUNIS, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED ROBERT L. CITRON, KNOWN TO ME TO BE THE COUNTY TAX COLLECTOR - TREASURER OF ORANGE COUNTY, AND VERN SMITH, KNOWN TO ME TO BE THE ASSISTANT SECRETARY OF FIRST AMERICAN TITLE INSURANCE COMPANY, THE CORPORATION THAT EXECUTED THE WITHIN INSTRUMENT AND KNOWN TO ME TO BE THE PERSONS WHO EXECUTED THE WITHIN INSTRUMENT ON BEHALF OF THE CORPORATION HEREIN NAMED AND ACKNOWLEDGED TO ME THAT SUCH CORPORATION EXECUTED THE SAME.

WITNESS MY HAND AND OFFICIAL SEAL:

MY COMMISSION EXPIRES MAY 24 1977

NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE.



INDEX MAP

A SOILS REPORT DATED DECEMBER 2, 1975 WAS PREPARED BY ALBERT R. KLEIST, R.C.E. 16351.

EXAMINED AND APPROVED THIS 24th DAY OF JULY, 1976.

C.R. NELSON  
COUNTY SURVEYOR

DEPUTY

EXAMINED AND APPROVED BY THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH THIS 4th DAY OF MARCH, 1976.

BY [Signature]  
RICHARD V. HOGAN  
EX-OFFICIO SECRETARY

### SIGNATURE OMISSIONS NOTE

PURSUANT TO THE PROVISIONS OF SECTION 66436 (b) OF THE SUBDIVISION MAP ACT, THE FOLLOWING SIGNATURES HAVE BEEN OMITTED: THE IRVINE COMPANY; HOLDER OF AN AIRSPACE EASEMENT BY DEED RECORDED IN BOOK 9756, PAGE 527 OF O.R.; AND THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA, OWNER OF RIGHT OF WAY FOR EXISTING ROADS BY DEEDS RECORDED IN BK. 1211, PG. 517 OF O.R., AND IN BK. 2402, PG. 469 OF O.R.

### MONUMENT NOTES:

1. SET 2" IRON PIPE TAGGED "L.S. 3109" AT ALL POINTS SHOWN THUS —○—
2. SET 1" IRON PIPE TAGGED "L.S. 3109" AT ALL POINTS SHOWN THUS —●—
3. SET LEAD & TACK TAGGED "L.S. 3109" AT ALL POINTS, SHOWN THUS —●—
4. SET STANDARD CITY OF NEWPORT BEACH MONUMENT (2" PUNCHED BRASS CAP IN WELL) AT ALL POINTS SHOWN THUS —○—
5. SET 8" SPIKE W/ BRASS DISK STAMPED "L.S. 3109" IN THE FINISHED SURFACE AT ALL CENTERLINE POINTS OF CONTROL, UNLESS OTHERWISE NOTED.
6. UNLESS OTHERWISE NOTED ABOVE, NUMBERED LOT CORNERS WHICH ABUT A STREET WILL BE MARKED WITH A LEAD & TACK TAGGED "L.S. 3109" IN THE CURB OR SIDEWALK ON A 4.75' OFFSET, BY PRODUCING THE "SIDE LOT LINES" AND BY PRODUCING THE RADIAL LINES FOR ALL OTHER SAID LOT CORNERS.

### BASIS OF BEARINGS:

THE BEARINGS SHOWN HEREON ARE BASED ON THE NORTHEASTERLY LINE OF LOT 49 AS SHOWN ON TRACT 9260 RECORDED IN BOOK 378, PAGES 32 THROUGH 37, M.M., RECORDS OF ORANGE COUNTY CALIFORNIA, BEING N 44° 34' 31" W.

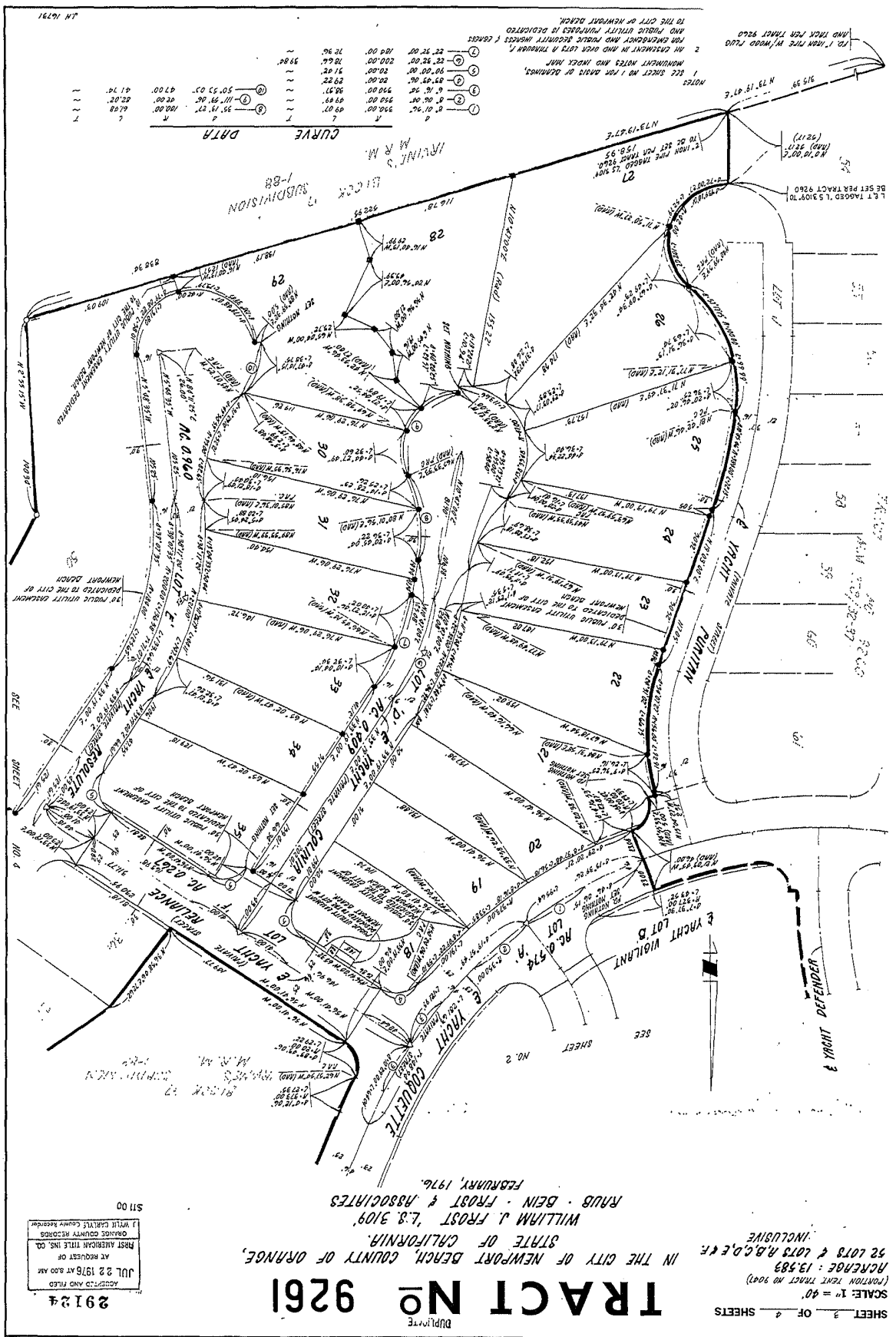
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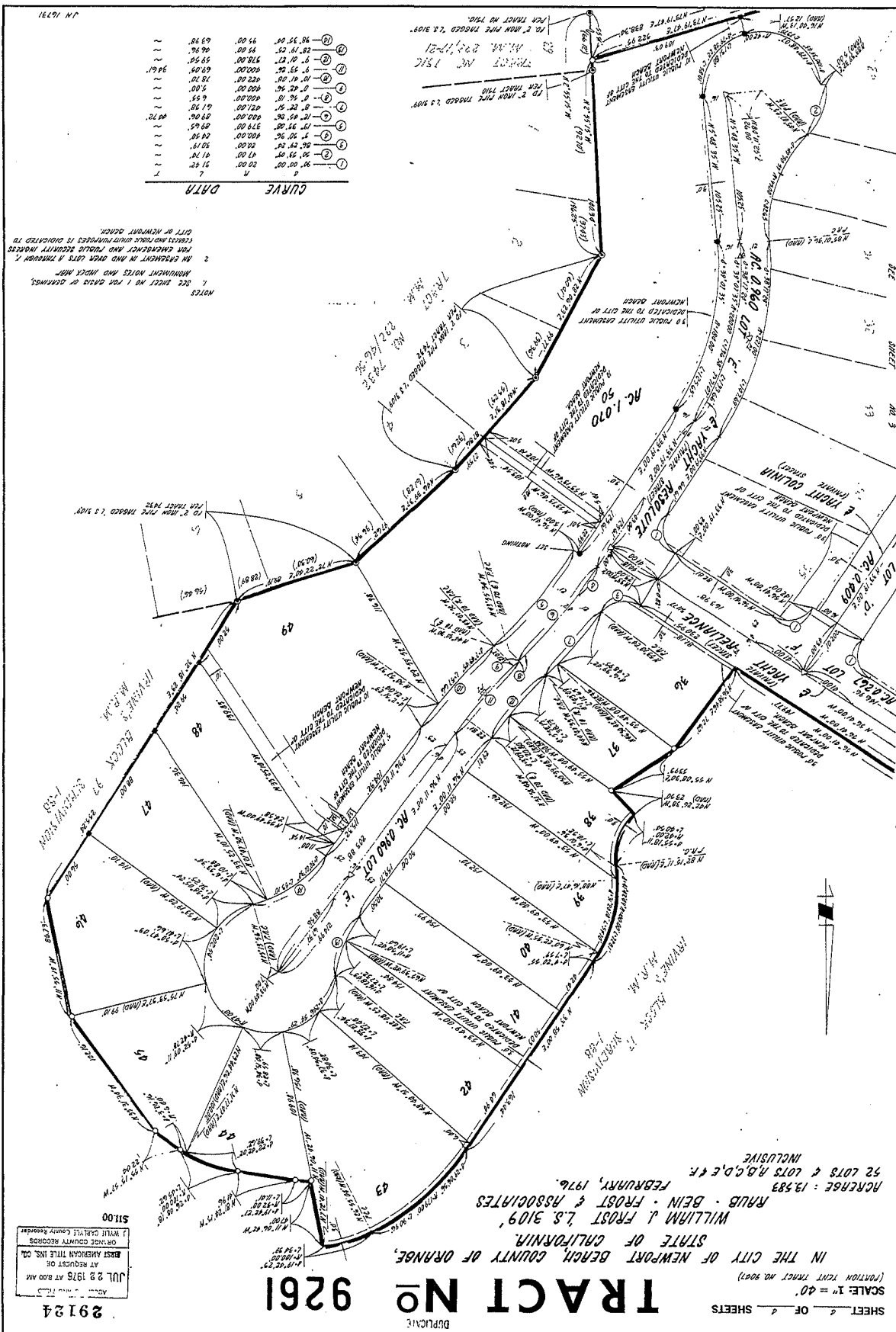


29124  
JUL 22 1976 AT 8:00 AM  
FIRST AMERICAN TITLE INS. CO.  
ORANGE COUNTY RECORDS  
1 WITH CURRENTS COPY BEARING

**TRACT No 9261**  
IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE,  
STATE OF CALIFORNIA.  
WILLIAM J. FROST & ASSOCIATES  
RUB - BEIN - FROST & ASSOCIATES  
FEBRUARY, 1976.

SHEET 3 OF 4 SHEETS  
SCALE: 1" = 40'  
ACREAGE: 13.583  
52 LOTS & LOTS A,B,C,D,E,F  
INCLUSIVE

380-35 980



## EXHIBIT 20



## List of Affected Homeowners

### SeaView Building Setbacks for Facing Lots

<u>Street</u>	<u>Number</u>	<u>Building Setback from Common Property Line</u>	<u>Name of Homeowner(s)</u>
Yacht Camilla	1905	9' 0"	Paula Rayburn
	1907	8' 0"	Mehdi Haidarali
Yacht Colinia	1901	7' 0"	Rick Ferncase; Anita Vermund
	1903	6' 0"	Helen Ann Langmade; Carole Mortimer
Yacht Daphne	2101	38' 0"	Claudette Shaw
	2103	25' 0" *	Barbara Siebert
Yacht Enchantress	1903	5' 4"	Don & Erna Minkoff
	1905	6' 4"	Mark & Tonie Meyer
Yacht Julia	2127	8' 0" *	Dewey & Dorothy Savage
	2130	16' 0"	Hanna & Mark Rubin Struever
Yacht Maria	1903	7' 0" *	Eleanor Kurrasch
	1905	7' 6"	Tony & Nancy Giblin
Yacht Mischief	2003	12' 0" *	James & Patricia White
	2005	10' 0"	Greg & Jana McConaughy
Yacht Radiant	2125	8' 0"	John & Kelly Bonett
	2127	9' 0" *	Steve & Karen Hinton
Yacht Resolute	2014	11' 6" *	Harvey Eisenberg
	2016	12' 0" *	Pat & Sally Tyne
Yacht Truant	1901	9' 0"	Thomas & Mary Cesario
	1903	6' 0"	William Rousey
Yacht Yankee	2123	10' 0"	Brian & Mary Donovan
	2125	9' 0"	Ted Helmer
Total Affected Homeowners	22		

\* Estimate based on plot plan.